Acta Apostolicae Sedis

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The Holy See

(Sancta Sedes)

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[*Latin ed. p. 5*]

Year II. - Vol. II. January 20, 1910. No. 1.

ACTA APOSTOLICAE SEDIS

OFFICIAL COMMENTARY

ACTS OF POPE PIUS X

LETTER I: TO THE MOST REVEREND UBERT ANTONIUS, S.R.E. CARDINAL FISCHER, ARCHBISHOP OF COLONIA, CONCERNING THE EUCHARISTIC CONGRESS.

Beloved Son, health and the apostolic blessing, —

What We have learned, either from public reports or from the writings of Our Legate, concerning the recently held, most felicitous, Eucharistic Congress in Colonia, is now fully confirmed by your letter, which brings us great joy. For the triumph of the Christian religion and the most splendid spectacle of faith, first of all, eternal praise must be given to God, Who, despite the waning charity of many nations, willed to kindle the flame of His love with great fervor in the noble city of Colonia; then, congratulations must be offered to the people of Colonia, whose piety, recently witnessed, is a testament to faith and the preaching of Saint Paul. And to you, beloved Son, We announce that your faith, steadfast in Constance, is proclaimed throughout the world in a manner worthy of your name. It is clear that We have long observed your excellent skill in governing the diocese, and We are amazed at the zeal, study, and counsel that you have devoted to aiding and fostering the Eucharistic movement. Now, it remains for you to complete so well-begun a work and to gather a most abundant harvest in the Lord's storehouses in the vast field of the province. May the most benign God grant that the celebration of your congress may never be forgotten by the faithful people, and may that people, which proclaims itself to be most closely united to the Roman Church, never be separated from the love of Jesus hidden in the Sacrament, and from the paternal embrace of Ourselves, Who, in this world, carry out His will.

That all things may proceed prosperously and in harmony, We give you, beloved Son, all Our blessings.

[*Latin ed. p. 6*]

6. Acts of the Apostolic See. - Official Commentary. To the people, city, and entire diocese of Cologne, we impart our apostolic blessing. Given in Rome, at St. Peter's, on the twenty-second day of the month of August, in the year 1909, the seventh year of Our Pontificate. PIUS PP. X II. To

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the Most Reverend Father Edward Pulciano, Archbishop of IANUENSEM, concerning the recently held diocesan synod. Venerable Brother, greetings and apostolic blessing. — We have gratefully received your letter, in which you and many of your clergy, just a few days ago, when you were preparing to hold a diocesan synod, declared your obedience and devotion to Us; all the more so because from it we understood that you, rightly concerned by the grave condition of these times, have come together to deliberate and decide on matters pertaining to the defense of the religion of this people and to the inviolable preservation of the deposit of the Faith. You have wisely invoked the heavenly patrons, Charles Borromeo and Catherine of Alexandria, whose memory is already revered in this age. Certainly, the most holy Bishop will be with you, whose pastoral prudence and diligence have been a marvel, especially in preserving the integrity of the Catholic doctrine; and you will not lack the support of an incomparable woman, who, being a distinguished ornament of Liguria, surely strives to ensure that her people maintain the uncorrupted praise of the Christian profession. We respond to your piety with paternal charity, and we pray to God to favor your salutary deliberations and endeavors. May the blessings of God be with you, Venerable Brother, and with your clergy and people, and we impart to you our most loving apostolic blessing. Given in Rome, at St. Peter's, on the eleventh day of December, 1909, in the seventh year of Our Pontificate. PIUS PP. X.

[*Latin ed. p. 7*]

Acts of Pope Pius X, March 7. TO THE MOST REVEREND LORD, BISHOP OF MARIANUM, IN HIS FIFTETH ANNIVERSARY FROM THE BEGINNING OF HIS PRIESTHOOD. Venerable Brother, greetings and the apostolic blessing. — It has pleased you, on the occasion of the fiftieth anniversary of your priestly ordination, to send us a message: We are pleased to share in your joy, and to make it more complete and sweeter with the fellowship of Ourselves. However, do not think that this is due only to our affection for you. Your virtues, your merits, acquired through so long a priestly life and so admirably fulfilled in the episcopal office, are certainly not few, nor obscure, but are a manifest testimony of excellent birth. These, indeed, are the reasons why we impart to you the sign of our paternal benevolence. You, in turn, receive our congratulations: receive also all those blessings by which we implore that you may be perpetually enriched by heavenly gifts, and receive the apostolic blessing, which we, venerable Brother, impart to you, to the clergy and to the people, over whom your pastoral care diligently watches, in the Lord. Given in Rome, at St. Peter's, on the twelfth day of December, in the year 1909, in the seventh year of Our Pontificate. PIUS PP. X. IV. TO THE MOST REVEREND LORD, HENRY GARRIGUET, SUPREME HEAD OF THE SULPICIAN SOCIETY. Beloved son, greetings and the apostolic blessing. — We have received

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your recent letter: in which it was pleasing to us that you declared all your devotion, and that of the Society, of which you are the head, to Us; but it was even more pleasing that you added your willingness to obey Us faithfully, especially with regard to the instruction of the young clergy. For We have such concern for this matter that nothing is above it: therefore, We have issued prescriptions for the proper ordering of the course of studies, for the preservation of sound doctrine, and for the formation of the minds of the students, so that they may be imbued with solid piety and reverence for the Church, and We certainly desire and hope that these may be observed accurately and religiously above all. The matter is of such importance for the common good that the sacred youth, from the institute of the Doctors Scholastics,

[*Latin ed. p. 8*]

Acts of the Apostolic See. - Official Commentary. May Thomas Aquinas, guided by the wisdom of the Fathers, deeply understand it, so that he may be immune to any new errors; and may he learn early on to render to this blessed See of Peter, in which Christ the Lord has placed the supreme teaching authority and governance of His Church, obedience and devotion. In this great task, when we see you so animated, we hope and desire that you, with the help of divine grace, will fulfill your part. We bestow, with a grateful heart, upon you, beloved son, and upon all the masters and students of the Sulpician Society, our apostolic blessing, as a sign of our hope and benevolence. Given in Rome, at St. Peter's, on the eleventh day of December, in the year 1909, in the seventh year of Our Pontificate. PIUS PP. X.

TO CAMILL BATAILLE, ADVOCATE, KNIGHT OF THE ORDER OF THE HOLY CONVENT, SECRETARY OF THE CATHOLIC CONVENT AT GREGORIANUM, FROM NORTHERN GALLIA AND THE CHANNEL REGION.

Beloved son, greetings and our apostolic blessing.

We have learned, often and recently, from letters, that Catholics residing in Northern GALLIA and the Channel Region are wonderfully devoted to the Vicar of Jesus Christ, as you yourself, as secretary of the acts of such a convent, have taken care to bring to Us, along with the names of all those who gathered at Insulas for a religious consultation. And these letters have affected Us precisely as you hoped: they have brought Us not only pleasure, but also comfort, and not a small amount. For it was very pleasing to Us that you congratulated Us with affectionate words on the completion of five years of our episcopate; and this was something to be expected from your exceptional piety towards Us. But when you promised that you would constantly and prudently give all your efforts to fostering concord among the Catholics of GALLIA, so that they may, with better hope, engage in the legitimate struggle for the rights of God and the Church, this truly

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comforted Us, as you know, because We are concerned and anxious, not so much because of the violence of the wicked who seek to harm, as because of the divisions among the good who seek to resist. Indeed, a certain example of this concord, which We do not cease to encourage, can be seen, as has been reported by the vigilant voice of the Bishops, in the safety of three children, concerning how certain doctrines are often instilled in public schools. Everywhere, with God's help, We see those who are...

[*Latin ed. p. 9*]

Acta Pii PP. X. 9: The atrocity of the matter compels us, together with the Bishops, to strive to prevent this slaughter of innocent children; as you rightly say, it is crueler than that of Herod, for while that king caused bodies to perish, these destroy souls. There is nothing we can urge you to do in undertaking this struggle, in which your own well-being and that of Gallia catholica are at stake. You have already undertaken it with all your heart. Therefore, continue as you have begun, and let us not trust in our own strength, but implore the help of Almighty God, who has sometimes granted victory to His people over their enemies. In the meantime, we bestow upon you, beloved son, and upon all who have signed their names to your letter, our apostolic blessing, with singular charity and benevolence. Given in Rome, at St. Peter's, on the 12th day of December, 1909, in the seventh year of Our Pontificate. PIUS PP. X.

To the Reverend Father ROBERT RAZZOLI, of the Order of the Friars Minor, Custodian of the Holy Land, for the publication of "DIARIUM TERRAE SANCTAE." Beloved son, greetings and our apostolic blessing. — The "Diarium Terrae Sanctae," recently begun by you, is a work that ought to be undertaken by the best, even among the great. For it not only honors the Franciscan family, whose deeds here, both in the past and in the present, are worthy of great praise; but it also illustrates, by presenting what is preserved in your archives, the ancient monuments, and the rights of the Catholic name in these Holy Places, rights which have been most vigorously defended by our ancestors. Furthermore, it provides ample material for those who, for reasons of piety or learning, study the affairs of Palestine. Therefore, we congratulate you, beloved son, and we encourage you to continue what you have begun, hoping above all that our Divine Redeemer may be known and loved more. We bestow upon you and your colleagues, who assist in this work, our most loving apostolic blessing, as a pledge of the favor of Our paternal benevolence. Given in Rome, at St. Peter's, on the 12th day of December, 1909, in the seventh year of Our Pontificate. PIUS PP. X.

[*Latin ed. p. 10*]

Acta Apostolicae Sedis. - Official Commentary. July 10. TO THE ORDINARY OF ANNECY, AND TO ALL OTHER RELIGIOUS WOMEN OF

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THE SAME ORDER, WHO WILL SOON CELEBRATE THE SECULAR ANNIVERSARY. Beloved daughters in Christ, we offer you greetings and our apostolic blessing. The cause of the secular anniversary, which you will celebrate next June, in the three hundredth year since the founding of the Visitation Order, with God's help, brings us common joy. For, as we consider the growth of your family, we can, like Cyprian, admire how "gloriously fruitful the Church, our mother, is." And as you, having reached this point on your journey, look back on the time that has passed, you are given the opportunity to gather strength for the remaining journey and to reach the goal, that is, the end of your vocation. But what is that goal, you have learned not only from your venerable founders, Francis de Sales and Jane Francis, but also from your own experience and from the observance of religious discipline. It was the intention of the holy Doctor to form daughters who would possess "a spirit of grace and prayer"; who would adore Him in spirit and in truth; who would strive to increase His glory with humility and self-denial; who, like doves in a quiet nest, having renounced all earthly things, and fixed in contemplation of heavenly things, would offer themselves as living sacrifices to God. This is the law established by the holy Bishop of Geneva and his venerable foundress, and as long as its authority remains with you, so long can your community remain safe. In this matter, although we do not doubt that you will steadfastly maintain the way of life that is proper to you, we nevertheless consider it opportune to remind you, in view of the great importance of preserving the discipline of your institute, intact and well-maintained. For what should we think of the rules prescribed to monks, if not as documents of evangelical perfection, put into practice under the guidance of the Church? Therefore, our most glorious predecessor affirmed that, if he found a member of his community who was most faithful to his profession, he would not hesitate to raise him to the honors of the blessed in Heaven. For Christian perfection does not consist in performing marvelous and extraordinary things, but in the faithful fulfillment of one's duties, and in the virtue with which we offer ourselves to God, as Saint Gregory says, "He does not look at how much, but at how much." And let it not seem to you that the life of those who make other vows is superior. For "Now there are diversities of graces, but the same Spirit." And also: "in diversitatem gratiarum."

[*Latin ed. p. 11*]

"The Acts of Pope Pius X mention that there are many houses of my Father, eleven in number." Thus, some will follow Martha, while others will follow Mary. You, who have chosen the better part, retain it, and do not allow yourselves to be dissuaded from the holy purpose by the appearance of seeking the salvation of others, wrongly believing that, in the present times, a life dedicated to contemplation is not desired, but rather an active one. For, just as the precepts of Christ, so also are His counsels, for all

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times; and he who considers these to be inopportune at any time, seems in a way to give his hand to the perpetual detractors of the so-called monastic life. Moreover, the more wicked the age, the greater is the necessity of appeasing the divine wrath through constant prayer and complete devotion. Indeed, have better days dawned for Salesian work, which, having been conquered by enemies of the Catholic name and subjected to the most grievous trials, yet you contemplate that very kind of institute to which you belong? For the most holy man understood that there is nothing more pleasing to God and more helpful to one's neighbor than the offering of perpetual praise and the example of an unblemished life. Finally, the sanctity of the Man, from whom you have received the laws, "wonderful in wisdom, prudence, and grace," should lead you to believe that everything he said is true, as the Apostle says to Timothy: "But continue thou in those things which thou hast learned and which have been committed to thee, knowing of whom thou hast learned them."

Meanwhile, in order that some encouragement may be added to your efforts to maintain the ancient discipline, we grant the faculty of reading again the individual writings of the holy Doctor Francis de Sales, as they came from his own pen. And we wish to offer as a reward for your prompt willingness, the fullest indulgence for sins, to be obtained by all members of the Institute on the day of the Feast of the Visitation, which each member of the same Order is accustomed to celebrate. Finally, may the sight of heavenly gifts and the witness of Our benevolence be accompanied by the apostolic blessing, which We impart with all our heart to you, our beloved daughters in Christ.

Given at Rome, near Saint Peter, on the thirteenth day of the month of December, in the seventh year of Our pontificate.

PIUS PP. X.

[*Latin ed. p. 12*]

Acts of the Apostolic See. - Official Commentary. August 12. CONCERNING THE FRANCISCAN TERTIARE ORDERS AND FEDERATED ASSOCIATIONS OF THE CITY. Beloved sons, greetings and the apostolic blessing. – We were delighted by your recent common letter: in which, first, you stated that you had received Our Apostolic Letters, "already in the seventh [month]," by which We decreed that three Franciscan families of the First Order should be equal among themselves. While all those to whom these Letters apply must, as far as they are concerned, religiously observe their statutes forever, there is no doubt that you, as far as you are concerned, will diligently strive to do so. Secondly, it pleases Us greatly that you are working to ensure that, just as all of you who are Franciscan Tertiaries in Rome from various associations have properly formed a fraternity with

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those in other parts of Italy, so too will associations of the same kind be formed. For nothing seems more suitable than such an association and such a bond. Since it has been shown that united forces are more effective than individual ones, and one can see how diligently the enemies of the Catholic name gather together, so that their nefarious plans may be more certainly accomplished, it is fitting that all good men should join together to resist them, and especially those who, by their institute from the Patriarch of Assisi, ought to understand and live according to Christian principles, and to foster and defend the Christian faith and morals among the people. Therefore, act, and diligently pursue this excellent undertaking, confident in divine assistance. Of which We, beloved sons, impart the apostolic blessing with paternal charity. Given at Rome, near St. Peter, on the seventeenth day of December, in the year 1909, in the seventh year of Our Pontificate. PIUS PP. X.

[*Latin ed. p. 13*]

Sacred Congregation of Bishops. 13. SACRED CONGREGATION OF BISHOPS CONCERNING DIOCESAN RELATIONS AND THE VISIT TO THE HOLY SEE. DECREE TO BE OBSERVED BY ALL ORDINARYS OF PLACES NOT SUBJECT TO THE SACRED CONGREGATION FOR THE PROPAGATION OF THE FAITH. From the most remote times of the Church, it has been a law and custom that each Bishop, at fixed times, should visit the city of the Apostles Peter and Paul, and should seek to venerate the Saints, and to explain the condition of his diocese to the Apostolic See; and the ancient annals of the Church provide illustrious examples of this. The reason for such a practice rests in the very nature and constitution of the Church, and necessarily flows from the sacred primacy of Peter, to whom the entire flock of Christians has been entrusted, according to those divine words of the Lord: "Feed my sheep, feed my lambs." In both matters, namely, the visit to the Holy See and the report on the state of the diocese, the due submission and reverence to Peter and his successor are contained. However, although one and the other part of this law have prevailed for so many centuries, a more certain discipline on this matter was established later. It is to be attributed to Pope Sixtus V, who, by a Constitution issued on December 20, 1585, with appropriate reasons, determined the times and the manner in which Patriarchs, Primates, Archbishops, and Bishops should visit the Holy See and give an account to the Supreme Pontiff of the fulfillment of their pastoral office; and the encyclical letters of the Sacred Congregation of the Council, dated November 16, 1673, also provided for this. Furthermore, by the Constitution of Benedict XIV, dated November 23, 1740, which begins with the words "Quod sancta," it was provided for the Abbots of no diocese. This discipline has continued until our own days. However, given the much easier and safer means of communication between dioceses and

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the Holy See today, and especially given the conditions of the present age, it has seemed to not correspond.

[*Latin ed. p. 14*]

Acts of the Apostolic See. - Official Commentary. Concerning those matters which were decreed in the aforementioned Constitutions regarding visitations to the Sacred Threshold and the submission of reports to the Apostolic See by dioceses. After mature deliberation within the assembly of Eminent Men, under the authority of Pontifical Law, with the aim of bringing together the various superiors, and after these matters were concluded by them, at the command of His Holiness, Pope Pius X, they were presented to this Sacred Consistorial Congregation, and the judgment was entrusted to it, to determine whether and how the proposals of this assembly could be made public law and put into effect, even before the promulgation of the Code itself. Now, after all things have been carefully considered, and after taking into account what was deliberated by the aforementioned assembly of Cardinals, the Sacred Consistorial Congregation, by the mandate of His Holiness, and with His approval, decrees the following:

CAN. I. Abolished are the laws of times past, by which the Sacred Threshold was to be visited, and the report concerning the state of the diocese was to be presented to the Holy See; therefore, all Ordinaries, upon whom the burden of diocesan administration rests, are obligated to submit to the Supreme Pontiff, every five years, a report concerning the state of the diocese entrusted to them, according to the norms set forth below, and according to the new Order appended to this present decree.

CAN. II. § 1. The five-year periods are fixed and common, beginning on the first day of January in the year 1911.

§ 2. In the first five-year period, the Ordinaries of Italy, and the islands of Corsica, Sardinia, Sicily, Malta, and other smaller adjacent islands, shall submit their reports.

§ 3. In the second, the Ordinaries of Spain, Portugal, France, Belgium, Holland, England, Scotland, and Ireland, together with the adjacent islands.

§ 4. In the third, the Ordinaries of the Austro-Hungarian Empire, Germany, and the rest of Europe, together with the adjacent islands.

§ 5. In the fourth, the Ordinaries of the entire United States and the adjacent islands.

§ 6. In the fifth, the Ordinaries of Africa, Asia, Australia, and the islands adjacent to these parts of the world.

§ 7. And thus, in continuous succession, every five years thereafter.

CAN. III. § 1. In the reports submitted by each Ordinary, distinct answers must be given to each question contained in the attached Order.

§ 2. In the subsequent reports, it is sufficient for the Ordinaries to state,

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concerning the questions contained in each article, whether anything new is to be reported, or not.

[*Latin ed. p. 15*]

Sacred Congregation of Councils. 15 They shall also state how and with what results they have carried out the instructions and mandates which the Sacred Congregation indicated in its response to the report. § 3. The report shall be written in the Latin language. § 4. It shall be signed, in addition to the Ordinary, by one or both of the visitators, who are more aware of the condition of the diocese and can testify about it. These individuals, concerning matters learned from the report, are strictly bound by the law of secrecy, unless they are of public standing. CANON IV. § 1. All and each are likewise commanded that, in the year in which they are to present the report, they shall go to the City, venerating the tombs of the blessed Apostles Peter and Paul, and present themselves to the Roman Pontiff. § 2. But to Ordinaries who are outside of Europe, it is permitted to visit the City every other five years, that is, every ten years. § 3. The Ordinary shall fulfill this obligation, either personally, or through a Coadjutor or Auxiliary Bishop, if he has one; or, for just reasons approved by the Holy See, through a suitable priest who maintains a permanent residence in the same diocese. CANON V. If the year assigned for presenting the report falls entirely or in part within the first two years from the beginning of the diocesan administration, it shall be permissible for the Ordinary to abstain from presenting the report, and from undergoing the visitation of the sacred Limina for that occasion. CANON VI. § 1. In the coming year of 1910, the Ordinaries who are subject to the obligation of presenting the report and undergoing the visitation shall be excused, by the gracious permission of the Most Holy Dominus Noster. § 2. In the years 1911 and 1912, it will be permissible for the Ordinaries, mentioned in §§ 2 and 3 of Canon II, who fulfilled the requirements of the old period in the year 1909, to abstain from presenting the report and from undergoing the visitation. Those who will present a report concerning the condition of their diocese shall fulfill this duty according to the norms of the new order established by the Holy See for this purpose. CANON VII. Finally, since the visitation of the sacred Limina and the diocesan report to the Apostolic See are not to be confused with the law concerning the pastoral visitation of the diocese, therefore the prescriptions from the Council of Trent, Session XXIV, Chapter III on reform, expressed in these words, remain in force: "Proper."

[*Latin ed. p. 16*]

Acts of the Apostolic See. - Official Commentary. Sixteen dioceses (Bishops) shall, by themselves, or, if legitimately hindered, by their general Vicar, visit the entire territory within two years, or a Visitor, if they cannot do so every year, shall at least, by themselves or a major

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official because of the extent of its territory, ensure that the visitation is not neglected. His Most Holy Lordship, Pope Pius X, having carefully considered these canons and the norms of the attached Order, ordered that all of these things be promulgated and made known, and commanded that they be observed integrally by all to whom they apply, notwithstanding any contrary provisions whatsoever. Given in Rome, on the 31st day of December, in the year 1909. C. CARD. DELAI, Secretary of the Consistory, Most Reverend Lord. X S. S. Tecchi, Assistant.

[*Latin ed. p. 17*]

Sacred Congregation of the Consistory. 17 ORDER TO BE OBSERVED IN THE REPORT CONCERNING THE CONDITION OF CHURCHES. Common Provisions. Preface to the Report. 1. The name and surname, age, and country of origin of the Ordinary shall be stated; his religious institute, if he belongs to one; when the diocese assumed its governance; and, if he is a Bishop, when he was consecrated. 2. A general judgment shall be given concerning the religious and moral condition of the diocese, and whether any progress or decline in religion has been observed during the last five years. CHAPTER I. General Matters Concerning the Material Condition. 3. It shall be indicated in a few and clear words: a) the origin of the diocese, its title or hierarchical rank with the most important privileges; whether it is an archiepiscopal see, how many and which suffragan sees it has; if it is a bishopric, to which archiepiscopal see it is subject; if it is immediately subject, to which metropolitan see it must adhere for the synod; b) the extent of the diocese, the civil jurisdiction, the climate, the language; c) the place of residence of the Ordinary, with necessary indications so that letters may be safely sent; d) the total number of inhabitants and the principal towns; how many of the inhabitants are Catholics; and if various rites are present, how many Catholics are in each; and if there are non-Catholics, into how many and what sects they are divided; e) the number of secular priests, clerics, and students of the Seminary; f) whether and how many chapters canonical, and other groups of priests similar to chapters, exist in the diocese; g) how many parishes or quasi-parishes there are, with the number of faithful in those which are the largest or smallest; in how many vicariates forane.

[*Latin ed. p. 18*]

Acts of the Apostolic See. - Official Commentary.

18. Concerning the parishes: How many other districts or subdivisions exist within the parish; how many other churches or public chapels are present; whether there is a particularly renowned sacred place, and what kind it is.

h) Whether there are any religious institutions for men, along with the number of houses and the number of religious, whether priests or laity.

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i) Whether there are any religious institutions for women, along with the number of houses and the number of religious.

CHAPTER II. Concerning Faith and Divine Worship.

4. Whether the divine worship is freely exercised in the diocese: if not, from what obstacles does it arise, whether from civil laws, or from the hostility of perverse individuals, or of non-Catholics (if any are present), or from another cause; what means are employed to remove, or if that is not possible, to lessen these obstacles, and whether they are effective.

5. Whether the number of churches in each town or parish is sufficient to meet the needs of the faithful.

6. Whether, in general, churches and chapels are adequately furnished with what pertains to their structure and furnishings; and what care is generally taken to ensure that they are clean and decently adorned.

7. Whether in each church there is an inventory of all goods and furnishings, and how it is maintained, so that, through the death of the pastor or any other event, nothing is stolen or lost.

8. Whether there are churches in which there are objects or furnishings of value, either materially, artistically, or by reason of their antiquity, especially codices or books, paintings, sculptures, works of mosaic art, or objects distinguished by their antiquity; how they are preserved; whether these are recorded in the inventories, and whether a special inventory of them is kept by the Curia.

Whether care is taken that nothing, even if of slight value, but precious by reason of its material, art, or antiquity, is sold without the permission of the Holy See and the judgment of experts.

9. Whether the churches are open to the faithful at suitable times, morning and evening, each day.

Whether due vigilance is exercised to prevent them from being subjected to sacrilege, profanation, or other damage.

10. Whether, while sacred rites are being performed, they are open to all the faithful, so that any person, even the poorest, may freely enter without shame or embarrassment, and be present there.

11. Whether the churches or chapels are ever used for any profane purpose, for academic gatherings, musical concerts, or other similar activities.

[*Latin ed. p. 19*]

Sacred Congregation of Councils. 19, 12. Whether, in all churches and chapels in which the Most Holy Eucharist ought to be reserved, or can be reserved, the conditions required by law for the preservation of the Most Holy Sacrament are accurately observed; and whether it is fitting that the altar of the Most Holy Sacrament should excel in devotion, cleanliness, and ornamentation. 13. Whether penitential tribunals are located in a visible place within the church, and are constructed according to the canonical

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laws. 14. How sacred relics are kept in churches and chapels. Whether there are present there relics lacking a seal or authenticating document, or which are plainly suspect. And whether, for this reason, the Ordinary has decreed anything during the Visitation. Whether, as far as is known, significant relics are kept by private individuals; by what right, and with what reverence. 15. Whether the laws are observed in divine worship, in the veneration of saints, in the administration of the sacraments, and in other liturgical sacred functions. Whether there have arisen particular customs, and what they are: whether these can be rightly said to be approved by the authority of the Holy See, or at least tolerated: and if they are not, what should be done to prudently remove them. In particular, whether the language and liturgical chants are used according to the decrees of the Holy See. 16. Whether grave errors against the faith are spreading among the faithful in the diocese. Whether there are among the clergy who are infected by them. What has been, or still is, the cause of this evil. What should be done to address this evil. 17. Whether a council of vigilance and the office of censors has been established to safeguard against these things: of what persons it consists: and whether they diligently fulfill their duties, and with what result. CHAPTER III. Concerning matters pertaining to the Ordinary. 18. By what goods and revenues the table of the Ordinary is supported. Whether and by what foreign funds it is burdened. How the administration is conducted: whether independently of civil authority, or not; whether separately from other diocesan or pious works, or cumulatively; by what method, and by what persons. 19. Whether there is a house belonging to the Ordinary in the diocese, or whether he is compelled to maintain a private one. In either case, whether the buildings are so arranged as to be worthy of the dignity of the Ordinary, and not to suggest luxury. 20. With whom does the Ordinary live, and what is the manner of their lives?

[*Latin ed. p. 20*]

20. Acts of the Apostolic See. - Official Commentary.

21. From which offices of the Holy See, and with what special faculties and privileges is he endowed as Ordinary?

22. How does he comply with the law regarding residence?

23. How often does he customarily attend services in the cathedral or elsewhere, or perform pontifical functions?

24. With what frequency does he instruct the clergy and the people through sermons and pastoral letters? And to what extent is he hindered from preaching, and if so, how does he suitably provide for this need through others?

25. How many and what kinds of reserved cases are there in the diocese, and with whom does the Ordinary entrust the faculty of absolving them?

26. How frequently does he administer the sacrament of Confirmation?

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And whether, considering the condition of the diocese, he can himself, through the petitions of the faithful, satisfy the needs of the people? And if he cannot do so himself, how and by whom does he provide for this? Whether the canonical rules regarding the age of those to be confirmed and regarding godparents are observed in the administration of this sacrament.

27. Whether he himself, or another Bishop, has conferred the sacred orders. And in carrying this out, while striving to enrich the diocese with a supply of suitable priests, whether he has observed the prescription of the Council of Trent not to promote those who are not necessary or useful to the Church for which they are taken.

28. Whether he himself, or through his vicars general or other men appointed by him, has visited the entire diocese so that he may have certain knowledge of the condition of the individual parishes, at least annually or at least every two years. Whether, when visiting the parishes, in addition to those matters pertaining to divine worship, he has conducted a personal visitation of the people, inquiring into their morals, the religious instruction of children and adolescents, the fulfillment of obligations, and other matters, by hearing each individual, so that he may know the state of their lives, their spirit of prayer, their zeal for the salvation of their neighbors, and other things.

29. Whether he has taken care to ensure that the laws and precepts of the Councils and the Holy See are known and observed in the diocese.

30. Whether he has convened a diocesan synod; and if he has not, whether he has provided for this, in what way, and with what authority.

31. If he is an archbishop, whether he has held a provincial council, or at least meetings or conferences of bishops, and how often. He shall transmit to the Holy See (if this has not yet been done) a copy of those things which were concluded in common deliberation at the meetings.

32. How does he relate to the civil authority of the place? Whether...

[*Latin ed. p. 21*]

Sacred Congregation of Councils. 21. The dignity and jurisdiction, once established, must always be maintained, so that they never suffer detriment to the freedom and immunity of the Church, nor bring disgrace to the ecclesiastical order, through servility towards human powers, or in any other way.

CHAPTER I, V. Concerning the Diocesan Curia.

33. Whether there is a General Vicar who excels both in virtue and doctrine, and who possesses the authority of a doctoral degree; and how many other ministers constitute the Diocesan Curia.

34. Whether there are examiners and judges, synodal or pro-synodal, and how many.

35. Whether there is a properly constituted ecclesiastical tribunal with

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its administrators; or at least, whether it can be established if necessary.

36. Whether the Diocesan Curia has its own suitable premises, equipped with an archive, in which the secret part of the documents is kept safely and separately from other documents. Whether the archive itself is well organized.

37. What fees are in use for the acts of the Curia; whether they have been approved, and when; and whether they are in conformity with those in force in the ecclesiastical province or region.

38. Whether the Ordinary is aware of complaints regarding the fees of the Curia; and whether he knows, especially in matters of marriage, of concubinage, or other evils, because of their gravity or because of the strictness of the collection of said fees. How the proceeds of the fees are disbursed.

39. Whether there are special revenues for the Curia from many, or from other titles; and how they are disbursed.

CHAPTER V. Concerning the Clergy in General.

40. A general report should be made regarding the morals of the clergy, their devotion, doctrine, their concern for the eternal salvation of their neighbors, their piety; their obedience and reverence towards their Ordinary and the Supreme Pontiff; their concord, union, and charity among themselves.

41. Whether the clerical habit can be used, and is actually used, by the clergy; and in every case, whether the clergy are clothed in their own proper and decent attire, and whether there are any scandals or criticisms in this matter.

42. Whether the priests duly perform the preparation and actions of thanksgiving in the celebration of Mass; whether they visit the Most Holy Sacrament late in the evening.

[*Latin ed. p. 22*]

Acta Apostolicae Sedis. - Official Commentary.

43. Whether the faithful should be accustomed to frequent the Sacrament of Penance, and with what frequency they may do so.

44. Whether spiritual exercises are held at fixed times, for all and each in turn, with what frequency, and in what places; and whether the Ordinary should not, on this occasion, offer salutary admonitions, either in general or in particular, to the clergy, as may be appropriate.

45. What care the Ordinary should take for the younger priests, so that, after they have been initiated into the priesthood, they may not abandon their studies, but may also make progress in piety.

46. Whether there is a house for elderly, infirm, and poor priests, in which they may be received and sustained with due charity; or at least, whether special funds have been established to assist them.

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47. Whether there are priests who, although possessing strength and youth, live idly, so that they are useless, or even harmful, to the diocese; what is the cause of this, and whether and how this evil can be remedied.

48. Whether there are among the clergy those who immoderately and improperly involve themselves in political matters and civil factions, to the offense of others and to the detriment of the spiritual ministry; and what has been done, or can be done, to restrain them within just limits. And in dioceses where Catholics of various rites, or different languages, or nations, live together, whether there are therefore contentions and rivalries among the clergy; what should be done to extinguish them, and to instill the spirit of Christ in all.

49. Whether, God forbid, there is any priest who leads a less than honorable life, or who appears publicly to do so; or to whom some other crime has been imputed after the last diocesan report. Whether there is any violation of the law concerning the observance and avoidance of matters in the manual of Masses, of which the Ordinary is aware or suspects in his clergy. Whether priests take care not only to avoid books, but also to avoid reading irreligious or impious newspapers, unless a grave and legitimate reason intervenes.

50. What has been done, both for the salutary correction of the lapsed, and for the reparation of scandal (if any has occurred). Whether and how often suspension from office should be imposed, based on informed conscience, within a five-year period; with what result; and what rule is applied in this matter.

51. Whether the clergy, in general, have from the alms of Masses, or from other sources derived from the spiritual ministry, or from ecclesiastical benefices, sufficient means to live honorably.

[*Latin ed. p. 23*]

Sacred Congregation of Councils. CHAPTER VI. Concerning Chapters. 52. Whether a cathedral chapter of canons exists; of how many canons and offices it consists; and whether theologians and penitentiaries are present. 53. How the provision of canons, offices, and dignities takes place; whether freely, according to common law, or by some other special means. 54. What benefits each receives; and whether these are administered separately, or rather, whether a common fund prevails. In either case, whether a special fund, in addition to the common fund, is maintained for daily distributions, for the conventual Mass, for the expenses of the fabric and worship. 55. Whether the chapter has legitimately approved constitutions, and from what time, and whether it observes them. 56. What is the choral service, both for the recitation of the Divine Office and for the celebration of the conventual Mass; whether it is performed daily, according to common law, or rather, whether it is omitted, and by what dispensation. 57. Whether there are honorary canons, and how many; whether they exceed the num-

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ber established by the sacred canons. 58. If a cathedral chapter is lacking, whether a college of consultants is maintained; of how many persons it consists; to what other offices these individuals are dedicated; and whether they are so close to the episcopal city that they can easily be assembled. 59. What reputation do the canons or consultants enjoy in the diocese? Whether they are in harmony with each other and with the Ordinary; or rather, whether the Ordinary has any cause for concern regarding their manner of acting. 60. Whether the Ordinary duly convenes them, so that, in matters of greater importance, he seeks their counsel or consent, according to the sacred canons. 61. Whether, in the event of a vacancy, the chapter can freely proceed to the election of a capitular vicar; or rather, whether, in the event of a vacancy, there is another custom for governing the diocese, what it is, and by what law it is established. 62. If there are other chapters of canons in the diocese, let it be stated what applies to each with regard to the number of members, the choral service, the benefits and revenues of the chapter, and their good reputation.

CHAPTER VII. Concerning Parishes, and their Rectors. 63. Whether all parishes are provided with their own proper pastor; or rather, whether there are some that are temporarily governed by a neighboring parish priest or by a canon, and for what reason; and whether any notable inconveniences or evils result from this.

[*Latin ed. p. 24*]

Acts of the Apostolic See. - Official Commentary. 24 64. Whether the provision of parishes is made through a competition: and how such a competition itself is celebrated. 65. Whether there are pastors of parishes or souls who are removable at the will of another. 66. Whether there are parishes attached to religious Orders or Congregations, and under what conditions, and by what right. 67. Whether there are parishes in which the habitual care of souls rests with chapters or other persons. 68. Whether there are parishes subject to ecclesiastical, or lay, or familial, or popular, or regional patronage; what practice prevails in their provision; and what inconveniences have arisen in this regard. 69. Whether the emoluments, which are commonly received by pastors on the occasion of the administration of sacraments, funerals, the celebration of solemn Masses, attestations, and publications, are recognized by the Ordinary, or are proven by long usage. And whether, either on account of the heaviness of parochial taxes, or on account of the rigor of their collection, any inconveniences or complaints are to be deplored, especially in matters of marriage and funerals. 70. Whether pastors and their churches are generally endowed with certain revenues: or rather, whether they are to live solely from uncertain income and the offerings of the faithful. If a pastor and his church enjoy real property, how is the administration managed, and how is provision made for the preservation of the sacred patrimony of either, or both? In any case, whether

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pastors have means by which they may be honorably supported and by which they may meet the expenses necessary for the care of souls and for parochial functions. 71. Whether pastors have a canonical house; and whether they and their assistants live there together. And if not, whether efforts are made to introduce such an arrangement. 72. Whether, by what law and what precautions, it is ensured that, under any pretext, even on the pretext of service, younger women (even relatives, if they live with the pastor as assistants) do not inhabit or frequent parochial houses: and whether care is taken that families of relatives of the pastor do not live in parochial buildings with his sons and nephews. 73. Whether parochial books are present in each parish, and whether therein are recorded, according to canonical prescriptions, matters pertaining to baptism, marriage, and the death of the faithful. Especially concerning marriage, whether the most recent law is observed, which commands that—

[*Latin ed. p. 25*]

(Sacred Congregation of the Council. 25. After a marriage has been completed, an entry shall be made in the book of baptisms, under the name of each individual. Also, let there be tables, and also books, of confirmations and of the state of souls, or books of masses founded and of manual labor, and let these be diligently written and preserved. 74. Whether in each parish there is some kind of archive, divided into a public and a private section, and let both be carefully guarded. 75. Whether the pastors and other caretakers of souls observe the due residence. 76. Whether, on feast days, they apply the Mass for the people, and whether they celebrate the sacred functions proper for the sanctification of the feast day with zeal and fruitfulness; especially, whether they explain the Gospel, and whether they impart catechesis to both children and adults, by what method, with what fruit. Whether there are any negligent in these matters. 77. Whether they are always present to assist in hearing confessions, in the confessions of the sick, and in the distribution of the Holy Eucharist, and whether there is any inconvenience, or any complaint about this matter. * 78. Whether, unless a grave and legitimate reason in a particular case prevents it, they administer baptism and assist at marriages in the church, observing the solemnities prescribed by the Roman Ritual. 79. How they behave towards the faithful who, openly addicted to secret vices, or for some other reason living outside the bosom of the Church, request the sacraments in extremis; and towards those who, having died outside the bosom of the Church, wish to be buried in a Christian manner by their relatives. 80. What is the custom regarding the admission of children to their First Communion: and whether the rule given by the Catechism of the Council of Trent is observed, namely, that children who are, by the judgment of their confessors and parents, capable of discretion, should not be forbidden, nor kept away for a long time, from the sacred table. 81. Whether the pastors, according to

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their ability, take care to strengthen their faithful in the faith, to encourage frequent attendance at the sacraments, especially daily Communion, and to encourage them to live according to the Christian manner and purity. And for this purpose, besides the usual duties of their office, a) whether they call for an extraordinary mission, especially at certain times of the year, or during the season of Advent; b) whether they take care that sacred missions are held in their parish after a certain period of years; c) whether they encourage approved pious devotions, such as the exposition of the Blessed Sacrament, the Stations of the Cross, the Rosary, the month of *marianum*, and others.

[*Latin ed. p. 26*]

Acta Apostolicae Sedis. - Commentarium Officiale. 26. Quanti similia in sua ecclesia celebrent, et fidelibus commendent: et quaenam magis in usu sint in dioecesi; d) an studeant pueros, puellas et maioris aetatis fideles allicere ut ad pias uniones, patronatus, sodalitates vel consociationes catholicas se adscribant; e) an prudenter instituant vel saltem foveant opera socialia, quae Ecclesiae catholicae spiritu aluntur.

CAP. VIII. ART. I. - De Seminario dioecesano.

81. Paucis dicatur quae sit Seminarii fabrica, novane an vetus, quot alumnis continendis capax, an disciplinaribus et hygienicis regulis respondens, an a servitutibus libera, hortis et atriis ad recreationem instructa. Si vero dioecesanum Seminarium non unicum sit, sed in maius et minus, vel in plura alia aedificia divisum, exponatur quae sit materialis singulorum conditio.

83. Quinam sint Seminarii vel Seminariorum reditus, an, et quali aere alieno graventur: quae pensio ab alumnis persolvatur: quomodo pauperibus subveniatur.

84. Dicatur quinam sit rector, qualis eius aetas, qualesque sint eius qualitates: quot alii eum in regimine adiuvent: et utrum hi, et quidem omnes, muneri commisso digne satisfaciant, et alumnos in disciplina et pietate instituant; an potius aliquid animadvertendum sit. Si vero Seminarium a congregatione aliqua religiosa regatur, indicetur quaenam sit haec congregatio, quando, quibusnam conditionibus, et an ex S. Sedis venia curam pii instituti susceperit, et an praefatis conditionibus satisfaciat.

85. Utrum habeatur magister pietatis, vulgo director spiritualis, in Seminario degens et nullo alio officio implicatus; et an, praeter ipsum, sufficiens copia aliorum confessariorum detur.

86. Utrum adsint deputati pro disciplina et pro oeconomia, Concilio Tridentino praescripti: et an Ordinarius eorum consilium iuxta iuris praescripta requirat.

87. Utrum eorum magistri in Seminario convivant, necne: et an quoad idoneitatem, pietatem, agendi rationem (praesertim si Seminarium

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incolant) aliquid animadvertendum sit.

88. Quot sint actu Seminarii alumni: et an qui ad statum ecclesiasticum certe non aspirent, inter eos admittantur.

[*Latin ed. p. 27*]

Sacred Congregation of Councils. Whether and how many external students are admitted: for what reason; and whether it is possible for them also to enter the Seminary as soon as possible; in the meantime, how are they supervised? Whether, at the very least, care is taken that, before sacred ordination, they reside in the Seminary for a considerable period of time. Whether and how many students are established outside the diocese, where, and for what reason. And conversely, whether clerics from another diocese are admitted to the diocesan Seminary, how many, from which dioceses, and for what reasons.

89. If there is only one Seminary, and younger students must live together with older ones, whether proper precautions are taken, so that these are separated from those, and each is instructed according to the discipline appropriate to their age.

90. How are piety and discipline cultivated in the Seminary? What is the frequency of the sacraments? How often and in what manner are spiritual exercises performed during the year?

91. For how many years, in what language, and with what method are studies in theology and philosophy completed? How many and what accessory disciplines are taught alongside these? For how many years and with what method are humanities studies completed? And in these, besides Latin, Greek, and the language of the nation, are any other disciplines taught? Are the clerics instructed in sacred ceremonies and liturgical chant?

92. Are the students forbidden from reading books and newspapers, which, although seemingly harmless, might distract them from their studies?

93. Does the Ordinary frequently visit the Seminary and personally hear the students, as far as possible, in order to learn how they are being educated, what their piety is like, and who is making progress in their studies?

94. What rules are observed in promoting students to the orders? What examination is held, and what test, so that it may be determined whether they are worthy and suitable for sacred ordination, based on piety, knowledge, integrity of life, and other requirements? Are spiritual exercises performed beforehand? Are intervals observed? Under what title are they ordained?

95. Has anything extraordinary, whether good or bad, happened in the Seminary during the last five years?

96. Is there a boarding house, and do the students spend their holidays

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there? If not, what is the hope of providing one, and of having the students spend at least the majority of their time there during the holidays? In the meantime, while they return to their homes, do the parish priests diligently take care of them, and inform the Ordinary about how they are being treated? What norms have been prescribed in the diocese regarding this matter?

97. Is it necessary that clerics of greater promise, whether before or after receiving the sacred order of the priesthood, be sent to some pontifical university for further studies?

[*Latin ed. p. 28*]

Acta Apostolicae Sedis. - Official Commentary. In cities, whether Rome or elsewhere, institutions are established to confer academic degrees. 98. If any, with the permission of the Ordinary, or by his mandate, attend public, civil universities, whether the regulations established by the Holy See for such institutions are observed, so that they may be protected from perversion, and not deviate from the faith or from the institutions of ecclesiastical life. 99. If clerics are compelled to enter military service, what precautions should be taken so that they may lead a virtuous life on their stipends, as befits clerics; and that, dismissed from their stipends, they may safely return to the Seminary without endangering others, and may be duly and maturely promoted to the sacred orders. 100. Whether it is a firm rule not to admit into the Seminary those who have been rejected or dismissed from other Seminaries or from religious institutes.

ART. II. - Concerning the interdiocesan or regional Seminary. 101. If a Seminary exists in a diocese in which students from several dioceses are enrolled, and if it is not presided over by the Bishop of that diocese, a detailed report shall be submitted regarding its status, according to the inquiries previously outlined for a diocesan Seminary. If it is not presided over by the Bishop himself, an indication shall be given as to to whom it is immediately subject, and an account shall be given of its reputation.

CHAPTER X. Concerning religious institutes of men. 102. Whether they observe a common life, or live alone or in private houses with secular individuals: by what manner of life they proceed: how they are supported: what is their reputation: whether any of them, having been established in higher orders, are present in the diocese, having been expelled or dismissed by their Superiors; and what is their manner of acting. 103. To what duties do they dedicate themselves in the diocese: with what benefit, with what reputation: whether their hospitals, orphanages, schools, etc., are maintained according to the canonical prescriptions of the Ordinary. Those who exercise pastoral care in the parishes assigned to them, whether they depend on the Ordinary in all matters pertaining to this care. 104. If religious are present who are inquiring, whether the appropriate decrees of the Holy See on this matter are observed by them, and whether anything inconve-

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nient has occurred in this regard.

[*Latin ed. p. 29*]

Sacred Congregation of Councils. 29. 105. Whether a Bishop has any jurisdiction, either his own or delegated by law, over religious orders. 106. If there is a diocesan congregation, let it be stated for what purpose it was instituted, whether it fulfills its purpose, and with what result. Whether it has spread to other dioceses, and by what bond the extra-diocesan houses are connected with the diocesan ones. CHAPTER X. Concerning Religious Institutes of Women. 107. Whether, in general, they live a religious life that serves as an example to the faithful; or whether, perhaps, some abuses have occurred, especially after the last report, and what they are. Whether, in the monasteries of nuns, subject to Regular Prelates, all things proceed according to law, or otherwise; and in this case, how it has been provided. 108. Whether the canonical laws concerning enclosure are observed. 109. Whether the revenues of the monasteries are faithfully administered; whether the dowries of the nuns have been paid and invested, and how they are administered. Whether the nuns themselves also render an account to the Ordinary regarding the administration of goods, according to the canonical laws. 110. Whether, concerning the confessions of the nuns, the constitutions and decrees of the Holy See are observed. 111. To what active life they are dedicated, with what works they are occupied, with what spirit, and with what benefit to the faithful and to the edification of the Church. 112. If there are those who serve the sick in private homes, or who manage domestic affairs in hospitals and other houses of men, in what way is it ensured that nothing inconvenient occurs: whether these precautions are duly observed; whether there is anything to be deplored in this matter. If there are religious women engaged in studies, whether they observe the appropriate decrees of the Holy See issued on this matter, and whether anything inconvenient has occurred in this regard. 113. If purely diocesan institutions are maintained, whether these are governed in accordance with the canonical laws, for what purpose they were founded, with what result they live, whether they have also spread outside the diocese, and whether the various houses are independent of each other, or not.

[*Latin ed. p. 30*]

Acta Apostolicae Sedis, - Official Commentary. CHAPTER X, SECTION I. Concerning the people in general.

114. What are the general morals of the people, and whether specific vices prevail among them, and what they are.

115. Whether the faithful, in general, abstain from servile labor on Sundays and feast days, attend Mass, and whether they sanctify these days as becomes Christians. If notable differences exist among the various dioceses,

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these should be noted.

116. Similarly, it should be reported what is the observance of the laws of abstinence and fasting, and of the Paschal precept.

117. Likewise, it should be indicated what is the frequency of attendance at sacramental confession and at Holy Communion in the various dioceses, for different sexes, conditions, and ages.

118. Whether parents are generally diligent in ensuring that newly born children are baptized within the week: whether there are those who delay excessively, or who perhaps neglect or even prevent the administration of baptism.

119. Whether civil marriages or concubinage are practiced, and with what frequency. Whether other specific abuses against the sanctity of marriage are prevalent.

120. Whether the practice of mixed marriages, where one party is not Catholic, has increased, with what frequency, and whether with legitimate dispensation. Whether the condition regarding the upbringing of all children in the Catholic religion is maintained. What harm to the Catholic faith results from these marriages. Whether the pastors strive to dissuade the faithful from entering into such marriages.

121. Whether parents generally take care to instruct their children, not only within the family, but also outside, and especially in schools, in Christian morals.

122. Whether the faithful who are seriously ill generally request the sacraments. Whether, in what number, and for what reasons, civil funerals occur.

123. Whether the faithful, in the exercise of their political and civil rights, take care to act, or to elect those, who will fully promote the interests of religion and the freedom of the Church.

124. Whether secret societies exist in the diocese, especially Masonic ones. Whether socialism and other societies condemned by the Church have taken root and spread in the diocese. Whether the practice of spiritism is present. What is being done to dissuade the faithful from all of these, and with what success.

[*Latin ed. p. 31*]

Sacred Congregation of the Consistory. CHAPTER XII. Concerning the institution and education of youth.

125. It should be reported, first and generally, what is the state of the institution and education of others within the diocese, according to civil usage and laws. Whether there are obstacles to the Christian education of youth that oppose the sacred rights of the Church and of Catholic parents; and what should be done to remove these. Whether schools are distinct according to sex, or whether they are common to both sexes; what evils

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result from this; and what remedies should be applied.

126. If the matter pertains to a diocese established in a Catholic nation, it should be stated whether the public primary schools, commonly called elementary schools, are generally good or harmless, and whether Christian doctrine is there suitably taught by ecclesiastical persons or suitable teachers; or rather, whether they are harmful. And in this case, whether free schools are maintained; how they are supported; by how many students they are attended; and whether the Ordinary provides for their oversight and inspection.

127. If the matter pertains to a diocese where Catholics are mixed with non-Catholics, whether Catholics have their own primary schools, and what is their condition. And if they do not have their own schools, and are compelled to attend public mixed schools, whether at least the Catholic faith is not offended, and whether Catholic students are granted just freedom so that, in the faith, they may be instructed by ecclesiastical persons or suitable teachers.

128. If boys and girls are compelled to attend public primary schools that are harmful, what should be done to ensure that youth are protected from perversion and corruption.

129. Whether the secondary or higher schools that are present in the diocese, or to which the inhabitants of the diocese commonly go, are hostile or not, to Catholic truths and doctrines. And if they are hostile, what should be done to protect young people from errors and vices. Whether there are secondary or higher schools that are specifically Catholic; and what is their condition.

130. Whether works that are called post-scholastic, such as recreational activities, circles, catechetical schools, late and festive orations, are maintained in the diocese for the sound institution and preservation of Christian youth; what they are; and with what benefit.

[*Latin ed. p. 32*]

Acta Apostolicae Sedis. - Official Commentary. CHAPTER XIII. Concerning pious sodalities and other religious associations. 131. Whether there exist pious sodalities and other religious associations duly instituted: how many and of what names: whether there are those which are especially recommended by the Holy See, such as those of the Most Holy Sacrament, of the Rosary, of Christian doctrine, and others for boys and girls, for the fostering of faith, piety, and purity of morals. 132. Whether they are established in parish churches and religious houses, or whether there are also those which exist in their own and separate churches. Whether in the churches of religious women, there are sodalities of men, and with what authority. 133. Whether they depend on ecclesiastical authority according to the prescriptions of canon law: what benefit they bring: or whether,

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perhaps, they cause some harm. 134. Whether there are tertiaries living in the world, of what order, with what benefit: whether they are often assembled, and whether they are an example to the faithful. 135. Whether in any pious sodality or tertiary order, brothers or members are received who are notoriously addicted to sects condemned by the Church, or who are opposed to religion or lead an immoral life. And what should be done to avert this evil. CHAPTER XIV. Concerning pious bequests and collections for alms. 136. Whether in the diocese there are pious bequests of Masses, or of other religious obligations, and whether the diocesan Curia keeps a record of these, with a review of the obligations and an indication of the revenues. 137. By whom are they generally administered, and whether faithfully and fruitfully. 138. Whether the bequests of Masses and other obligations are regularly fulfilled within the prescribed time: and if this cannot be done, whether the revenues, especially those of endowed Masses, are delivered to the Ordinary: whether there are those who deserve to be called to account for this matter, or who have already been called to account, and with what result. 139. Whether and with what benefit, pious collections for alms are made in the diocese, prescribed or recommended by the Holy See for the common good of the Church, such as, for the propagation of the Faith, for the Holy Childhood, for the redemption of captives, for the oblations to St. Peter, for the Holy Land. 140. Whether special collections are made for the needs of the diocese itself, such as, for the preservation of the Faith, for the protection against errors, and for the support of the clergy, if necessary.

[*Latin ed. p. 33*]

Sacred Congregation of the Consistory. 33, 141. Whether and what other collections of alms are customary in the diocese. If religious men or women are soliciting, whether there are so many of them that it seems to impose too great a burden on the faithful.

CHAPTER XV. Of pious works and sodalities.

142. Whether hospitals, orphanages, foundling homes, and other similar institutions of charity have been founded in the diocese; and whether they depend on ecclesiastical authority, according to the prescriptions of the Holy Council of Trent. And if they do not depend on it, whether it is reported whether, in those things which are assisted by the spiritual care of the Catholic Church, they enjoy the benefits and protections of the diocese, and whether they can at least freely do so.

143. Whether there are social organizations in which, while counsel is given concerning the moral and religious well-being of the faithful, their temporal benefit or necessity is also considered, such as asylums for children, patronage for young people of both sexes, circles for Catholic youth, or for pursuing studies, associations of workers, farmers, women, for this or another pious purpose, or mutual aid, treasuries, and other similar things.

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144. Whether these social associations and works, and especially those who lead them, show due reverence in all things to the Ordinary and the Supreme Pontiff, and whether they are entirely subject to the direction and guidance of the Holy See in matters concerning faith, morals, and the laws of justice.

145. Care must be taken that those who are placed in charge of these associations and works are truly Catholic, not only in name, but also in heart and deed. And it must be ensured that those who are associated with these organizations and works, or who receive benefits and assistance from them, abstain from vices, are instructed in the doctrine of the faith, and lead a Christian life.

146. Care must be taken that no members of secret sects, unbelievers, the impious, or those opposed to religion are admitted into these Catholic associations, lest these associations or their works be led away from the right path of faith and justice.

CHAPTER XVI. Concerning the publication and reading of books and newspapers.

147. Whether books, periodicals, illustrations, newspapers, or other publications of an obscene or impious nature, or in any way harmful to religion, are published in the diocese; by whom, and with what distribution and detriment.

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[*Latin ed. p. 34*]

Acts of the Apostolic See. - Official Commentary. 34 148. Whether books and newspapers of other nations enter the dioceses, and are disseminated therein, and what sort they are, principally. 149. Whether Catholics, and especially parish priests and priests, diligently strive to remove obscene or impious books and newspapers from the diocese, even employing, if possible, the authority of the civil government. Whether it is the duty of the clergy, and especially confessors, to ensure that obscene or impious books and newspapers are kept away from Catholic families, and that they are not read by the faithful. 150. Whether religious and honest things are opposed to harmful books and newspapers: how many there are, how they are disseminated, and with what result. Given in Rome, on the 31st day of December, in the year 1909. G. Card. DE L A I, Secretary of the Sacred Congregation Consistorial. S. TECCHI, Assistant. II. APPOINTMENTS OF BISHOPS. By decree of the Sacred Congregation Consistorial, the following were appointed: 8th of January, 1910. - The Reverend Monsignor Anthony Anastasius Rossi, General Vicar, of the diocese of Pavia, to the Archiepiscopal See of Udine. 8th of January, 1910. - The Reverend Monsignor Charles Liviero, Archpriest of Agne, of the diocese of Padua, to the Episcopal See of Città di Castello. 8th of January, 1910. - The Reverend Monsignor Au-

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gustine Laera, Canon and parish priest of the cathedral church, and provicar general of Aquaviva, to the Episcopal See of Ogliastra. 8th of January, 1910. - The Reverend Monsignor Joseph John Rice, parish priest of St. Peter of Northbridge, of the diocese of Springfield, to the Episcopal See of Burlington in the United States of America. The following were promoted: 19th of January, 1910. - The Most Reverend and Reverend Monsignor Nilus Mac Neil, Bishop of St. George of Newfoundland, to the Metropolitan See of Vancouver. 20th of January, 1910. - The Most Reverend and Reverend Monsignor Leo Gauthey, Bishop of Nièvre, to the Metropolitan See of Besançon.

[*Latin ed. p. 35*]

Sacred Congregation of Religious. 35. SACRED CONGREGATION OF RELIGIOUS. I. DECLARATION CONCERNING STUDIES TO BE UNDERTAKEN BY RELIGIOUS. Certain Superiors General of Orders and Institutes, humbly presented to this Sacred Congregation, which is entrusted with the affairs of Religious communities, the difficulties arising from the immediate execution of the recent Decrees concerning studies, dated September 7, 1909; either because students residing in their own colleges, who were already considered sufficiently prepared to enter the Novitiate, must still remain in the colleges themselves to complete the prescribed curriculum; or because the houses of novices themselves will have to be closed for a time, since it is not easy to find students to follow the course of the Decrees and receive proper instruction. Therefore, they offered humble petitions, that, until the matters are properly arranged according to the decisions of this Sacred Congregation, it might be permissible to interpret the aforementioned Decrees with a more lenient understanding. The Most Holy Pope Pius X, to whom all these things were reported by the undersigned Cardinal Prefect in an audience on December 21, 1909, deigned to consider the matter carefully, balancing the difficulties presented with the good that would result from the immediate execution of the aforementioned Decrees for the Orders and Institutes, a good which cannot outweigh the benefit to the entire Church. And indeed, especially in these particularly difficult times, regular priests should possess knowledge equal to that of secular priests, whose counsel the faithful seek with no less confidence; knowledge does not diminish true vocations, but rather contributes to stability; if some should abuse the knowledge acquired at the expense of the Order or Congregation, and leave before entering the Novitiate, it is better that they depart, from which it is clear that they did not have a firm purpose, nor a truly sincere desire to embrace the religious life; the loss to Orders and Institutes is far less if the houses of novices are less frequented, or even completely empty for a time, than if they are full of members who are not adequately instructed; a select number is preferable to a large number of those who are passing

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through, and the stability of the students must be cared for above all else, so that what is inferior in number may be made richer in hope.

[*Latin ed. p. 36*]

Acta Apostolicae Sedis. - Official Commentary. 36 Moved by these and other arguments, the Most Holy Pope, considering the difficulties mentioned to be of lesser importance, and deeming it necessary to grant supplicatory prayers, and to signify this to all Superiors General of Orders and Institutes as a norm and rule, despite any opposition, even those worthy of special mention. Rome, December 7, 1909. Fr. I. C. CARD. VIVES, Prefect. L. © S. D. L. Janssens O. S. B., Secretary. II. DOUBTS CONCERNING THE PROFESSION OF RELIGIOUS. The following doubts were requested to be resolved by this Sacred Congregation, which presides over the affairs of Religious Societies:

I. A certain Religious, having been dismissed from one House of an Order, with the consent of the Superior General, was admitted to the Novitiate in another House of the same Order before the Decree dated September 7, 1909, which begins with the words "Ecclesia Christi," but after the publication of the same Decree, he emitted the profession of simple vows, without requesting an Apostolic Indult. The question is asked, whether this profession is valid, or whether it requires a remedy.

II. A certain Religious, having been dispensed from the vows emitted in another Order, Congregation, or Institute, was admitted to the Novitiate in a different Order before the publication of the aforementioned Decree. The question is asked, whether he requires an Apostolic Indult for the profession of simple vows, or whether he can validly emit the profession without an Indult.

And the same Sacred Congregation judged that the following answers should be given:

To I. Negatively to the first part; Affirmatively to the second part.

To II. Affirmatively to the first part; Negatively to the second part.

And thus it was written, on January 4, 1910.

Fr. I. C. CARD. VIVES, Prefect.

D. L. Janssens O. S. B., Secretary.

[*Latin ed. p. 37*]

Secretariat of State. 37. THE ORDER TO BE OBSERVED IN THE MODERATION AND ADMINISTRATION OF THE OFFICIAL GAZETTE. In order to impart to the periodical *Acta Apostolicae Sedis* all that regularity and perfection which the importance of the work demands, after a year of experimentation, it has been found necessary by the Holy Father to establish the following rules, which, by this present act, are made public so that everyone may, as is fitting, put them into effect and observe them.

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1. The editorial staff of the periodical shall consist of a director and a vice-director, both of whom shall be dependent on the Most Reverend Cardinal Secretary of State. They shall be assisted by one or two subordinate officials, as needed.

2. In accordance with the Constitution *Promulgandi* of 1908, the periodical shall be printed in the Vatican printing house of September 29th; and the director of the same shall take care of matters relating to the associations and the distribution of the periodical, giving a regular report each month to the administration of the Goods of the Holy See, and preparing, each year, a comprehensive balance sheet.

3. Those who are part of the editorial staff and administration of the periodical are obligated to maintain secrecy regarding everything they come to know in the discharge of their duties; and this until they are authorized for publication, and the publication itself has been carried out. To this end, they must take the oath of maintaining secrecy, as do all other officials of the Holy See.

4. The gazette shall have two parts, an official part and an illustrative and complementary part. In the first part, all acts, provisions, decrees, and instructions issued by the Holy See shall be included, which require promulgation and publication in order to have the force of law, strictly adhering to the provisions of the aforementioned Constitution *Promulgandi* and the special regulations of the Roman Curia, Chapter VI, No. 1. In the second part, decrees and sentences shall be included, which may be useful for understanding the practice of the Curia, or for establishing a rule of canon law.

[*Latin ed. p. 38*]

Acta Apostolicae Sedis. - Official Commentary. 38, concerning canonical regulations, the opinions of the consultors, information and news regarding promotions or appointments, etc. 5. Ordinarily, the periodical shall be published at the beginning and at the midpoint of each month; and at the end of the year, it shall provide a progressive and alphabetical index of the subjects. 6. In each Secretariat of the Holy Congregations, Tribunals, and Offices of the Holy See, the respective Superiors shall designate an employee with the special task of collecting and transmitting to the editorial staff of the periodical the acts and documents that ought to be or can be published. 7. However, this employee shall not deliver any act or document with the authorization to publish it, unless with the consent and under the direction of his Superiors. 8. If, in order to make this delivery, he must perform an extraordinary amount of compilation or copying, which is not otherwise compensated, the Superiors, judging the compensation appropriate, may grant him a copy of the periodical. The Superiors shall establish rules in accordance with the regulations of the Roman Curia, and shall indicate these to the aforementioned administration. 9. The printed

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acts, unless otherwise indicated to the editorial staff, may be returned to the editorial staff itself, if and as they should be modified for publication. 10. In all other cases, acts and documents must be withheld from publication if, by their nature, they must remain secret. Likewise, the names of private individuals must be kept confidential whenever the publication of their names in documents, sentences, decrees, and other acts of the Holy See is not necessary, and may cause harm or disturbance to the aforementioned individuals. And if any indication is required, it shall be limited to the initials only, or be substituted in another way. 11. As a general rule, no later than the 5th and 25th of each month, each dicastery shall transmit to the editorial staff of the periodical the acts and documents to be published. And likewise, no document or act shall be delivered to other periodicals for the purpose of publication, unless the promulgation and publication in the Acta Apostolicae Sedis has first taken place. 12. The editorial staff of the bulletin, after the preparation of the manuscript, before allowing it to be printed, shall submit the proofs to the respective dicastery for review, if this is required by the aforementioned dicastery. It shall be the duty of the official in charge of relations with the periodical to...

[*Latin ed. p. 39*]

39. The Secretary of State shall ensure that this revision is promptly carried out, reporting on its progress to his Superiors. 13. The compilation, sale, and distribution of the customary annual publication, *La Gerarchia Cattolica*, which is published by the Holy See, are also entrusted to the editorial and administrative staff of the *Acta Apostolicae Sedis*. 14. The editorial office of the periodical and *La Gerarchia* shall have its fixed and regular location in the palace of the Apostolic Chancery. 15. The director of the periodical and *La Gerarchia*, with regard to the editorial work, and the director of the Vatican printing press, with regard to associations and distribution, shall establish a brief internal regulation for those working in their respective offices, concerning the schedule, the division of labor, and similar matters, agreeing with each other so that these regulations are consistent; and they shall also agree regarding the day of publication of the issues of the periodical and *La Gerarchia*, the order to be maintained in the arrangement of the text, the typefaces to be used, and the proper conduct of the publications. From the Vatican, January 5, 1910. By special mandate of His Holiness. R. CARD. MERRY DEL VAL. TO L. F. HEIDON, PRESIDENT OF THE SOCIETY OF ST. VINCENT DE PAUL AT EPISTLE I, SYDNEY IN AUSTRALIA. Dear Sir, I have had great pleasure in presenting to the Holy Father the beautiful Address, so artistically designed and faultlessly executed, which you forwarded on behalf of the Society of St. Vincent of Paul in Australia and New Zealand. His Holiness desires me to convey to you and, through you to the members of the Society, the expression of His sincere gratitude for, and deep appreciation of, the senti-

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ments of filial devotion towards His Person and of the loyal attachment to the Holy See therein so nobly expressed. He is highly sensible of the great mission entrusted to your Society, and of the vastness of the field opened out to your self-sacrificing labours. His Holiness, while commending in the highest terms the unfailing zeal and untiring assiduity of the Society in the accomplishment.

[*Latin ed. p. 40*]

Acts of the Apostolic See. - Official Commentary. 40. Regarding its work of charity, so fruitful in spiritual and temporal good for the benefit of the Poor of Christ, most cordially invites the Brothers of St. Vincent of Paul to embrace the advice given by His Holiness concerning frequent Communion. This practice the Holy Father most earnestly recommends to the members of the St. Vincent of Paul Society, as the surest means of obtaining that special grace and spiritual help so needful to them in the fulfillment of their arduous duties, and of rendering their labors richer in merit for themselves, and more fruitful in lasting good to others. His Holiness, in conclusion, graciously bestows His Apostolic Benediction upon the Superior Council as well as upon each of the members of the Society, upon their families, and upon the poor to whom they minister. Assuring you of my esteem, Rome, December 9, 1909. I am, Dear Sir, L. j$j S. Yours very faithfully in Christ, R. CARD. MERRY DEL VAL. II. TO THE MOST REVEREND FATHER, THE ARCHBISHOP OF SANCTAE SEVERINAE, CONCERNING THE UPCOMING CATECHETICAL CONGRESS IN CALABRIA. The news of the future catechistical congress in Calabria, learned by the Holy Father, has been received with great satisfaction. The August Pontiff, who, with clear insight into needs and remedies, from the very beginning of His Pontificate, through the memorable Encyclical *Acerbo studio catechismo stiana restaurazione*, has never ceased to emphasize the importance of the catechism, a principle which, given the sadness of these times, is more imperative than ever; this initiative, which greatly honors the episcopate of Calabria, which is its promoter, gives hope for better days to Catholics deeply conscious of their faith, and full of courageous firmness in professing it. His Holiness, while praying that the congress may yield abundant fruit and fully meet expectations, trusts in the enlightened activity of the Archbishops and Bishops of the region, both for the benefit of the discussions, and for the practicality of the proposals, and finally for the promptness and constancy with which these will be put into effect, for which the same Holiness makes a heartfelt appeal to...

[*Latin ed. p. 41*]

Secretarial Office. With great zeal for the pastors and the entire clergy, and with the vigilance of the Bishops themselves. The Apostolic Blessing, which Your Eminence humbly requests for the congress, for all those who

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will participate in it, and for the works that will form its subject, the Holy Father grants wholeheartedly, filled with the most excellent graces of Heaven, and gladly extends it also to the entire Calabria, which has been so severely afflicted by misfortune, and which is so dear to His paternal heart. And I, pleased to contribute to the solemnity of the congress by conveying to Your Eminence this portion of the supreme benevolence of the Supreme Pontiff, gladly seize the opportunity to express my most devoted sentiments. Rome, December 13, 1909.

Your most devoted servant,

L. Eg S. R. CARD. MERRY DEL VAL III.

TO THE RIGHT HONORABLE COUNT FERDINAND ZICHY, ON THE EIGHTIETH ANNIVERSARY OF HIS BIRTH.

Monsieur le Comte, His Holiness Pope Pius X, desiring to give you a special testimony of His high esteem and paternal benevolence, on the happy occasion of the eightieth anniversary of your birth, has deigned to confer upon you the most distinguished Order, re-established by Pope Pius X himself, of the Militia Borée, also known as the Order of the Golden Spur. I have the honor to transmit to you, herewith, the Pontifical Brief, along with the relevant document, and, joining my most heartfelt and sincere congratulations, I gladly seize this opportunity to offer you, Monsieur le Comte, the expression of my most distinguished sentiments.

Rome, December 13, 1909.

L. Eg S. R. CARD. MERRY DEL VAL.

TO THE REVEREND FATHER D. IOACHIM ANON, S.J., MODERATOR OF THE COLLEGE OF MANILA.

Reverend Father, the College of Manila, with its frequency of students and the integrity of its discipline, and its obedience to the Apostolic See, having now existed for fifty years since its first foundation, has been received with a joyful heart by the Most Blessed Father, who offers his heartfelt congratulations. The aforementioned achievements, so laudably accomplished, not only provide a cause for rejoicing, but also offer the best prospects to the Supreme Pontiff for the proper upbringing of young people.

[*Latin ed. p. 42*]

Acta Apostolicae Sedis. - Official Commentary. Regarding the establishment of [these institutions]. Furthermore, His Holiness gladly embraces these endeavors, and most earnestly prays for the prosperity of the same institution, its instructors, and its students, and blesses them in the Lord. Therefore, having seized this opportunity, I confirm my esteem for you,

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and I profess it to you in Rome, on the 13th of December, 1909.

Most devotedly,

L. S. R. CARD. MERRY DEL VAL.

To the Most Eminent Monsignor Joseph Calasanctius, Cardinal Vives y Tuto, Prefect of the Franciscan Tertiary Convents of the City.

Most Reverend and Most Reverend Monsignor,

The Tertiary members of Rome, belonging to the four Franciscan Families, with a praiseworthy initiative, guided by their respective Directors, have formed a truly fraternal and seraphic union, also with the most noble intention of promoting and propagating, as much as possible, among all the Tertiary members of Italy.

To make this union even more salutary and beneficial, it is the desire of the Holy Father that Your Eminence also cooperate, providing valuable assistance to the Directors and assisting, as much as possible, at least throughout the coming year, in the gatherings that will be held for this purpose. And this is because, through the enlightened zeal of Your Eminence, the way to the attainment of this excellent goal may be made easier and more expeditious, and the minds may be prepared for a future Congress, which, by uniting and harmonizing all the energies of the Tertiary members, while always preserving the autonomy of the different congregations or fraternities, will powerfully contribute to the development of the Third Order and its beneficial action.

Therefore, in conveying to Your Eminence the august will of the Holy Father, I have the pleasure of transmitting to you here a letter that the same Holiness has deigned to send on this occasion, and I do not doubt that the precious autograph, at the same time that it will be pleasing to the aforementioned Tertiary members and their zealous Directors, will strengthen this union and multiply its fruits of Christian life.

And kissing your hands most humbly, with sentiments of the deepest veneration, I reaffirm myself,

Your Eminence's humble and devoted servant,

R. CARD. MERRY DEL VAL.

Rome, 20th of December, 1909.

[*Latin ed. p. 43*]

Secretariat of the State. 43 VI. TO THE REVEREND FATHER, AMATORE BUENO DE BARROS, DIRECTOR OF THE INSTITUTE NAMED "MANTENEDORA DA INFANCIA." Reverend Father, The devoted address, with which the members of the direction of the association "Mantenedora da Infancia" presented to the Holy Father the inauguration

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of the orphanage, which, with respectful and pleasing thought, they wished to name after the august name of His Holiness, was received by His Holiness with great pleasure. The same Holiness offers the best wishes for the prosperity and growth of this institution, which, destined to guide the girls entrusted to it in the first steps of life, has the high task of preparing them for that salutary mission which in the family and in society is reserved for the Catholic woman. And that these desires of His may be crowned with a happy future, the Holy Father heartily blesses this new work of Christian charity, those called to its direction, and the girls gathered therein; and at the same time, He also blesses the aforementioned association "Mantenedora da Infancia" and the numerous pious associations founded by it. With sentiments of particular respect, I am, of Your Eminence, Very Reverend, Rome, December 26, 1909; Affectionately, L. Eg. S. R. CARD. MERRY DEL VAL. VII. TO THE REVEREND FATHER, ANGEL DE SANTI S.I., GENERAL PRESIDENT OF THE ITALIAN ASSOCIATION "A SANCTA CAECILIA." Reverend Father, The Holy Father learned with great pleasure the news of the happy congress of sacred music held in Pisa, and of the excellent proposals formulated therein to promote, in Italy, with an effort equal to the need, the salutary pontifical reforms concerning this most important part of the sacred liturgy. His Holiness does not doubt that the zeal with which such an effective effort was displayed in the aforementioned congress will open a vast field of action for the new presidency, and that it will be followed by no less alacrity in pursuing the paths traced by the common counsel and the pontifical directives. Sacred art will then reveal new and hidden beauties, and at the same time that...

[*Latin ed. p. 44*]

Acta Apostolicae Sedis. - Official Commentary. 44 They will win over the hearts of those most resistant to reform, and will smooth the path for it, in Rome and everywhere, overcoming any significant obstacle. And for this purpose, He wholeheartedly blesses these salutary intentions, He also blesses the new presidency, with whom He rejoices in the assumption of this office, and He implores abundant heavenly assistance for both, in order to hasten the completion of the desired reforms, all of which are intended to promote the splendor of worship and the decorum of the house of God. With sentiments of particular reverence, I, from the Most Holy Place, Rome, December 26, 1909. I, in the Lord, L. £g S. R. CARD. MERRY DEL VAL. VIII. TO ALBERTUM DE MUN, COUNT, OF THE WORK ENTITLED "WORK OF CATHOLIC WORKERS' CIRCLES." The Holy Father was deeply moved by the tributes and wishes that you expressed to Him on behalf of the committee of the "Work of Catholic Workers' Circles." Pleased to applaud the commendable initiatives, which have arisen in recent times due to the necessities of the present time, the Sovereign Pontiff does not

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overlook the older organizations, which have had the merit of opening the way and of gathering good intentions, relying on the principles of the Gospel and on the discipline of the Church. Such was the character of your work, and this is the secret of its fruitful vitality, as well as the eminent services it has rendered to religion and society. But the Holy Father also does not forget that the success of works depends to a very large extent on the value and the persevering dedication of those who direct them. Therefore, while wholeheartedly granting you the Blessing that you requested for the "Work of Catholic Workers' Circles," His Holiness sends you, along with His best wishes, a special Blessing for you and your zealous collaborators; Please accept, Monsieur le Comte, along with my personal thanks for the letter that you addressed to me, the assurance of my devoted sentiments in Our Lord. Rome, December 31, 1909. L. £8 S. R. CARD. MERRY DEL VAL.

[*Latin ed. p. 45*]

Diarium Romanae Curiae. 45 DIARIUM ROMANAE CURIAE

Sacred Congregation of the Sacraments

NOTICE OF COMPETITION

In the Sacred Congregation for the Discipline of the Sacraments, a competition is open for one position of Minor Official. Whoever desires to participate must present the application and the necessary qualifications for admission to the Secretariat of said Congregation, no later than the 19th day of the coming month of February.

Rome, January 19, 1910.

Philippe Giù stini, Secretary.

Sacred Congregation of Rites

This morning, January 18, 1910, in the Apostolic Palace of the Vatican, with the presence of the Most Eminent and Reverend Lords Cardinals, and with the votes of the Reverend Prelate Officials, and Theological Consultors, the Congregation of Rites was held, preparatory to discussing the doubt concerning the heroism of the virtues of the Venerable Servant of God, Margaret Bourgeois, foundress of the Congregation of the Sisters of Our Lady.

SECRETARY OF STATE

APPOINTMENTS

The Holy Father, with a note from the Secretariat of State and with a Brief, deigned to appoint:

As Assistant Bishop to the Throne:

December 11, 1909. — Mons. Corrado Busch, Bishop of Spira.

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As Apostolic Protonotaries, in the manner of those who participate:

December 10, 1909. — The Reverend Father Filippo Nery Dias, formerly Canon of the Cathedral of Rio de Janeiro;

— Mons. Guglielmo Hohaus, Archdiocesan Vicarious Forane of Praga.

[*Latin ed. p. 46*]

46 Acta Apostolicae Sedis. - Official Commentary. Domestic Prelates: November 22, 1909. — The Reverend Monsignor Giorgio Göpfert, Professor of Theology at the University of Würzburg; — The Reverend Monsignor Teodoro Diem, Dean of the Cathedral Chapter of Würzburg. December 6, 1909. — The Reverend Monsignor Domenico Pasi, Parish Priest of Saint Margaret in the diocese of Faenza. December 7. — The Reverend Monsignor Antonio Mongiardo, Archpriest of Saint Andrew del Ionio in the diocese of Squillace. December 9. — The Reverend Monsignor Egidio Bruno, General Vicar of Susa. December 10. — The Reverend Monsignor Giuseppe Sigismondo Zimmern, Professor of Theology at Spires. December 13. — The Reverend Monsignor Luigi Humbrecht, of the diocese of Besançon. December 15. — The Reverend Monsignor Pietro Hüls, Professor at the University of Munster; — The Reverend Monsignor Raffaele Leonetti, Pro-General Vicar of Andria. December 20. — Monsignor Edoardo Knobloch, Parish Priest in the diocese of Prague. January 8, 1910. — His Holiness, with a note from the Secretariat of State, deigned to appoint the Reverend Father Pietro Bastien, of the Benedictines, as Director of the official bulletin, Acta Apostolicae Sedis. January 9, 1910. — The Reverend Father Magnanensi Placido, General Procurator of the Cistercians, and the Reverend Father Munerati Dante, Pro-General Procurator of the Salesians, as Consultors of the Holy Congregation of Religious. January 18, 1910. — His Holiness, with a note from the Secretariat, deigned benignly to appoint as Archpriest of the Patriarchal Archbasilica Lateranense, the Most Reverend Cardinal Pietro Respighi, His General Vicar. HONORS His Holiness, with a note from the Secretariat of State and with a Brief, deigned to confer the following honors: Order of the Golden Spur: December 10, 1909. — To the Most Noble Count Ferdinando Zichy of Hungary. The Order of Saint Gregory the Great, civil class: November 20, 1909. — To the Most Noble Count Francesco Giuseppe de Czernin, of the diocese of Budweis. December 11, 1909. — To the Most Noble Signor Edoardo Scheller, Counselor of the Lieutenantcy of Prague.

[*Latin ed. p. 47*]

47 The Commandery of the Order of St. Sylvester: December 1909. — To Mr. Giovanni Battista Imsand, Major-Lieutenant of the Pontifical Swiss Guard. The Knighthood of the Order of St. Gregory the Great, civil class: November 26, 1909. — To Mr. Dott. Guido Pedrali of the diocese of Mantua. December 7, 1909. — To Mr. Andrea Felice Fossé d'Arcosse of Soissons.

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December 13. — To Mr. Emilio Pantrel of Fougères, diocese of Rennes. The Knighthood of the Order of St. Gregory the Great, military class: December 14, 1909. — To Mr. Carlo Bolzer, of Austria-Hungary. The Knighthood of the Order of St. Sylvester: November 24, 1909. — To Mr. Girolamo Osvaldini, President of the Council of the Conferences of St. Vincent de Paul in the Veneto. November 25. — To Mr. Eugenio Geurts of Brussels. December 3, 1909. — To Mr. Dott. Vittorio Hrdliczka of Vienna.

DOMESTIC APPOINTMENTS BY HOLY SEE:

His Holiness, through a letter from His Eminence, the Most Reverend Major Domo, has deigned to appoint:

Extraordinary Secret Chamberlains: December 9, 1909. — The Reverend Father Bérauch Francesco, of the diocese of Budweis; — The Reverend Father Pietro Steinbach, of the same diocese; — The Reverend Father Giacobbe Sponar, of the same diocese; — The Reverend Father Antonio Malek, of the same diocese; — The Reverend Father Balthasar Tommaso d'Almeida, of the diocese of Evora; — The Reverend Father Enrico Hasenkamp, of the diocese of Munster; — The Reverend Father Francesco Marengo, of the diocese of Malta; December 13. — The Reverend Father Di Somma di Colle Gennaro. December 17. — The Reverend Father Salvatore De Angelis, Parish Priest of St. Peter in the Vatican.

[*Latin ed. p. 48*]

48 Acta Apostolicae Sedis. - Official Commentary. Honorary Chaplains in peacock blue attire: 9 December 1909. — The Reverend Father Bruno Brunone, of the diocese of Susa; — The Reverend Father Giovanni Pietro Ferreira Lopez, of the diocese of Porto Alegre. 16 December. — The Reverend Father Antonio Cardazzo, of the same diocese of Concordia; — The Reverend Father Pietro Comisso, of the same diocese. NECROLOGY 24 November 1909. — Monsignor Nicola Armentia, of the Minor Orders, Bishop of La Paz (La Paz, Bolivia). 8 January 1910. — His Eminence, the Most Reverend Cardinal Francesco di Paola Satolli, Bishop of Frascati, Archpriest of the Patriarchal Basilica of the Lateran, Prefect of the Holy Congregation of Studies.

[*Latin ed. p. 49*]

Year II. - Volume II. February 1, 1910. No. 2.

ACTA APOTOLICAE SEDIS: OFFICIAL COMMENTARY

ACTS OF POPE PIUS X

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LETTER I.

To the Most Reverend William, Archbishop of Boston, for his generosity towards the Pontifical Biblical Institute.

Most Reverend Brother, greetings and the apostolic blessing.

The Pontifical Biblical Institute, which we have received with the greatest approval since its very inception, as it is most useful for the advancement of the knowledge of divine things, we are pleased to see that it can now offer greater benefits to the Church, thanks to your generous contribution. Your piety towards Us is most abundant; there is no investment more profitable than your true money. For to think of wisdom is to be perfected; and he who loves her, loves life. Moreover, you have loved life by providing assistance to a work which, being destined to explain the Sacred Scriptures, is designed to celebrate Him who alone possesses the words of eternal life. This act of yours adds greatly to our esteem for you, and we embrace it with a grateful heart, earnestly praying that God may repay you with heavenly graces, in proportion to the generosity you have shown.

In the meantime, may our apostolic blessing, which we impart to you, most Reverend Brother, and to the clergy and people over whom your pastoral care so diligently watches, be with you.

Given at Rome, near St. Peter's, on this twenty-fifth day of December, in the seventh year of Our Pontificate.

PIUS PP. X.

ACTS, Volume II, No. 2. - 20-2-910. 4

[*Latin ed. p. 50*]

Acts of the Apostolic See. - Official Commentary. 50 II. To our beloved son, Anthony Joseph, Archbishop of the Sacred Roman Church, Cardinal Gruscha, Archbishop of Vienna, concerning the growth of religion in Vienna. Beloved Son, greetings and apostolic blessing. — We have gratefully learned from your letters, which you sent to us for Christmas, in accordance with your piety towards Us: and We, in return for this service, earnestly pray for all good things for you. But it was most pleasing to Us that, through the same letters, you announced that the devotion and practice of religion have begun to increase in the city of Vienna: and this, after Clement of Mary Hofbauer, having been honored with the privileges granted by Us, began to be widely invoked as a patron. Indeed, we cannot express how much this is to Our consolation. It remains that this clergy of your venerable diocese should strive to imitate the virtues and, above all, the diligence of that saint, which We greatly desire, so that a great addition may be made to Our consolation. And We impart, with the greatest affection, Our apostolic blessing to you, beloved son, and to your clergy and people, for the divine

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works. Given at Rome, at St. Peter's, on the tenth day of January, in the year 1910, in the seventh year of Our pontificate. PIUS PP. X. III. To the Venerable Brother James, Archbishop of Bologna, Archchancellor of the College of Theology, for the vows offered to the Supreme Pontiff. Venerable Brother, greetings and apostolic blessing. — We thank you, Venerable Brother, and the doctors of your college for the expression of your sentiments towards Us, which you gave on the feast of the Nativity of Jesus Christ; which, although already known to Us, was pleasing to acknowledge from your letter. In this, we not only appreciated your piety, or your grateful remembrance of the divine benefits which we had received in the past year, or your prayers for good things for Us in the coming year; but also, and especially, we appreciated your firm intention and your diligent commitment to always obeying Our prescriptions, which pertain to the proper and holy formation of clergy. Indeed,

[*Latin ed. p. 51*]

From the Acts of Pope Pius X, 51: Concerning the matter on which we labor most diligently, we wish to impress upon you that there is no area in which your official diligence can be more pleasing to Us. We, in turn, desiring for you all the gifts of divine benevolence, bestow upon you, our brother, our apostolic blessing, and first of all, to you, most venerable brother, we impart our most affectionate blessing. Given in Rome, at St. Peter's, on this tenth day of January, in the year 1910, in the seventh year of Our Pontificate. PIUS PP. X.

To the Venerable Brother Vincent, Bishop of Fanum, concerning the Theological Seminary of all Upper Picenum.

Venerable Brother, greetings and our apostolic blessing.

We have read with great pleasure your letters, in which you first of all express your sincere gratitude to Us, for the Theological Seminary in the city, which, as an institute of honor, We have entrusted to your care for all Upper Picenum. We see that you have taken up this responsibility as is fitting: that you are striving in every way to ensure that your students, as you write, are properly instructed, both in sound doctrine and in solid piety; and that they never experience the pestilent contagion of the Modernists in either regard. Therefore, you need not doubt that, as you request, we will earnestly pray that the benign God may assist you in this endeavor. And for the pious intentions you express for Us, we, in turn, offer our heartfelt gratitude; and we bestow upon you, Venerable Brother, and upon your clergy and people, our apostolic blessing with great affection.

Given in Rome, at St. Peter's, on this tenth day of January, in the year 1910, in the seventh year of Our Pontificate. PIUS PP. X.

To Our Beloved Sons Aloysius Salvatelli, Archpriest, and the Canons of the Church of Perugia, regarding the freely accepted Apostolic Delegate.

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Beloved sons, greetings and our apostolic blessing.

The Venerable Brother, whom we have sent as Apostolic Delegate to the diocese, upon his first meeting and address to you and to all...

[*Latin ed. p. 52*]

52 Acta Apostolicae Sedis. - Official Commentary. We are not surprised that you have gained the favor of the clergy, as you write; for we know the outstanding humanity and kindness of that excellent man. However, we gladly receive this news. We are even more pleased by what you add, that you will show him the utmost respect and reverence, since he represents Our person; and that you will listen to him so that you will not only obey his commands, but also strive to fulfill his wishes. Therefore, trusting in your diligence, prudence, and the support of his name, we believe that the course of his work will be both smooth and fruitful. And since you have implored God for Our safety, prosperity, and, above all, for the alleviation of those afflictions which the obstinacy of so many causes Us, we gratefully accept your piety. It is, indeed, the greatest desire of Ours that all who are of the sacred order may be perfectly united in mind and spirit with the Vicar of Jesus Christ. We are certain that you will always fulfill this desire, as you promise, with manly zeal. It remains for you to take care of your brothers, so that no one in the clergy of this diocese may be found who does not, as is fitting, give his due. In the meantime, we invoke divine blessings upon you, and, my beloved sons, we impart to you with heartfelt affection the apostolic blessing, as a testament to Our paternal benevolence. Given in Rome, at St. Peter's, on the tenth day of January, 1910, in the seventh year of Our Pontificate. PIUS P. X. TO THE VENERABLE BROTHER MARIANO ANTONIO, ARCHBISHOP OF BONAERENSI, CONCERNING THE PETRIAN SUBSIDY. Venerable Brother, greetings and the apostolic blessing. — We have received both the Petrian subsidy for your Archdiocese and your letter, in which you declared how willingly the people of Bonaerensi, with your encouragement, have contributed to this offering for Us. Therefore, we thank you not only for the opportunity, but also for the kindness of your service. Know that it has been most pleasing to Us that, as was stated in your letter, these Catholics truly deserve to be called by that name; although their charity towards this Apostolic See is quite sufficient to indicate this to Us. Therefore, we earnestly desire that they may preserve and increase such a reputation, and especially through your efforts.

[*Latin ed. p. 53*]

Acta Pii PP. X. 53, With the divine favor of grace, we impart to you, Venerable Brother, and to your clergy and people, our most affectionate apostolic blessing. Given in Rome, at St. Peter's, on the twenty-fourth day of January, 1910, in the seventh year of Our Pontificate. PIUS PP. X. VII. To the Venerable Brother Paul, Bishop of BRUNENSI, concerning the recently

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held diocesan synod. Venerable Brother, greetings and our apostolic blessing. — First of all, we thank you for the favorable undertakings which you indicated you would carry out for Our cause in your recent letter; and we earnestly wish that all may go well for you. Then, we congratulate you on having held a successful diocesan synod, as the records sent to Us attest. We are confident that this synod will be fruitful for that diocese; and you acted wisely in determining that the students of the sacred seminaries should learn the prescriptions of the Synod thoroughly. Furthermore, you have told Us in a most pleasing manner about the great attendance of the people at the synod, which took place in November for Our benefit; and we see that this, to a considerable extent, is due to your diligence. Therefore, we impart to you, Venerable Brother, and to your clergy and people, our apostolic blessing with fervent affection, hoping for heavenly blessings, which we pray for. Given in Rome, at St. Peter's, on the twenty-fourth day of January, 1910, in the seventh year of Our Pontificate. PIUS PP. X. VIII. To the beloved son H. OSTER, Director of the Association "A SANCTA IESU INFANTIA" in GERMANIA, concerning the "Collection from A SANCTA IESU in favor of the work for children." Beloved son, greetings and our apostolic blessing. — From the records of the Association "A SANCTA IESU INFANTIA," we are pleased to learn that Catholic children from GERMANIA, in the past year, have so generously assisted the pious work, that they contributed almost half of the total sum collected from Catholics throughout the world. This is certainly a testament not only to the kindness of the children, but also to the diligence of the work itself.

[*Latin ed. p. 54*]

Acts of the Apostolic See. - Official Commentary. 54 things, especially those pertaining to your own, are to be attributed. Therefore, we congratulate you, beloved sons, and your helpers, and all the other administrators of this association; and to all of you, and to the German boys, as many as are of this association, we impart, as a witness of our paternal benevolence, our most loving apostolic blessing, and we wish you divine graces. Given in Rome, at St. Peter's, on the twenty-fourth day of January, in the year 1910, in the seventh year of Our Pontificate. PIUS P. P. X. IX. TO OUR BELOVED SONS, FATHER CALON, PRESIDENT, AND OTHER MEMBERS OF THE SUPREME COUNCIL OF THE PIAN SOCIETY OF SAINT VINCENT DE PAUL, CONCERNING THE PROGRESS OF THE SOCIETY. Beloved sons, greetings and the apostolic blessing. — We have learned with great pleasure that the past year has been a most fruitful and prosperous one for the Vincentian Society, from the report which you, as is your custom, have presented to Us: from which it is evident that many additions have been made to the number of your groups in various nations, and that so much money has been distributed for the relief of the poor, as never before. This is something for which we congratulate you, beloved sons: and we do so with

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all our heart. And we urge you, that you persevere constantly in this work, which is so fruitful for the Holy Church: for your zeal and diligence do not need exhortation, but only the help of divine goodness. For this, and also to thank you for the sum you sent, we implore God's blessing upon you; and may our apostolic blessing, which we impart to you, beloved sons, and to the entire Vincentian Society, be a harbinger of good things. Given in Rome, at St. Peter's, on the twenty-fourth day of January, in the year 1910, in the seventh year of Our Pontificate. PIUS PP. X.

[*Latin ed. p. 55*]

Holy Congregation of the Holy Office. 55. HOLY CONGREGATION OF THE HOLY OFFICE: INDULGENCE FOR LAY MEMBERS AND CONFRATERNITIES OF THE ORDER OF THE MOST HOLY REDEEMER OF THE BLESSED VIRGIN MARY OF MERCY. Most Blessed Father, Father Francis Gargallo, General Vice-Procurator of the Order of the Most Holy Redeemer of the Blessed Virgin Mary of Mercy, prostrate at Your Holy feet, humbly petitions that Your Holiness would deign to grant an Indulgence, whereby Lay Members and Confraters of the Order, legitimately hindered from entering the church to receive the Blessing with a Plenary Indulgence on the designated days, which do not fall on a Sunday, may receive it on the following Sunday; and that it may also be permissible, whenever the solemnity of the feast to which the aforementioned Blessing is attached should be transferred to the following Sunday. And God, etc. On December 9, 1909. His Most Holy Name, Pope Pius, by Divine Providence, Pope X, having granted an audience to the Reverend Father, the Assessor of the Holy Office, graciously approved the request, with all legally required conditions remaining in force. Notwithstanding any contrary provisions. Aloysius L. * Reverend Monsignor Giambene, Substitute for Indulgences.

[*Latin ed. p. 56*]

Acts of the Apostolic See. - Official Commentary. 56. SACRED CONGREGATION CONSISTORY I. CONCERNING COMPETENCE RELATING TO MIXED MARRIAGES. The Sacred Congregation, by letters of March 27, 1909, requested a formal declaration from the Sacred Congregation Consistory regarding competence relating to mixed marriages. Therefore, a doubt was established in precise terms by the Assistant of the Sacred Congregation, namely: "What is the competence of the Sacred Congregation in the matter of mixed marriages, whether between the baptized and the unbaptized, or between Catholics and non-Catholics, both in the practical aspect, namely for the granting of dispensations, and in the theoretical aspect, namely for the resolution of doubts that may arise on this subject, also with regard to the recent decree *Ne temere*?" After deliberation, and having considered the opinions of the consultors, it was judged that the following should be answered: "The competence of the Sacred Congrega-

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tion extends to all matters, whether directly or indirectly, which relate to the Pauline Privilege and to the aforementioned dispensations. And with the understanding that it is requested that His Holiness should decree that any question concerning these marriages should be referred to the Sacred Congregation, with the reservation that this Sacred Congregation retains the power, if it deems it appropriate and the circumstances warrant, to refer the question itself to another office of the Holy See." His Holiness, having heard the report of the undersigned Cardinal Secretary, approved and confirmed the resolution, and ordered that, in the future, any question concerning mixed marriages should be referred to the Sacred Congregation, as requested, with the proviso that the disposition established in article XI, numbers 2 and 3, of the decree *Ne temere* shall always and in all respects remain in force.

C. CARD. DE L A I, Secretary of the Sacred Congregation Consistory.

L. £8 S. Scipio Tecchi, Assistant of the Sacred Congregation.

II. CONCERNING THE REPORT TO BE SUBMITTED TO THE HOLY SEE BY ALUMNI OF THE COLLEGE OF SAINT JOSEPH. Regarding the doubt as to whether the former alumni of the College of Saint Joseph in the city of Columbus in the United States are still required to submit a report to the Holy See each year, according to the oath they took, His Holiness...

[*Latin ed. p. 57*]

The Sacred Congregation Consistorial, having granted an audience to His Eminence, the Secretary Cardinal, on January 21st of the current year, 1910, and considering the new circumstances brought about by the Constitution *Sapienti Consilio*, graciously deigned to grant a dispensation to the students of the aforementioned College, excusing them from the annual report to be presented. Charles Perosi, Substitute of the Sacred Congregation.

III. APPOINTMENTS OF BISHOPS.

By decree of the Sacred Congregation Consistorial, the following Bishops were appointed:

February 7, 1910. - The Most Reverend Dom John Martin Jañiz, of the diocese of Cordoba, in America, to the Episcopal See of the Foreign Missions in the Republic of Strasbourg.

February 7, 1910. - The Most Reverend Dom Abel Bazàn, of the diocese of Cordoba, in America, to the Episcopal See of Paranà in the Republic of Strasbourg.

February 7, 1910. - The Most Reverend Dom John William Shaw, to the titular See of Castabala, and as coadjutor to the Most Reverend See of Saint Anthony in the United States of America.

February 7, 1910. - The Most Reverend Dom Dionysius O'Donaghue, to

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the Episcopal See of Louisville in the United States of America.

February 7, 1910. - The Most Reverend Dom Emmanuel Marteau, of the diocese of Paris, to the Episcopal See of Meaux.

February 8, 1910. - The Most Reverend Dom John Jeremiah Lavoler, to the titular See of Ermopolis, and as coadjutor to the Most Reverend Bishop of Saint Paul of Minnesota in the United States of America.

Confirmed: February 7, 1910. - The Most Reverend Dom Joseph Schulte, of the diocese of Paderborn, to the Episcopal See of Paderborn.

Transferred: January 19, 1910. - The Most Reverend and Illustrious Dom Francis Nagl, Bishop of Trieste, to the titular See of Tyre, and as coadjutor to His Eminence, the Archbishop of Vienna.

February 3, 1910. - The Most Reverend and Illustrious Cardinal Beda, Bishop of Corneto Tarquinia, to the titular See, and as coadjutor to the Most Reverend Bishop of Perugia. Laodicea, and...

[*Latin ed. p. 58*]

Acta Apostolicae Sedis. - Official Commentary. 58. SACRED CONGREGATION FOR THE COUNCIL OF BRAGA. (Braga). INTERPRETATION OF THE DECREE "CUM RECENTER." December 11, 1909. The Archbishop of Braga has submitted, for some months now, certain questions to the Sacred Congregation regarding the interpretation of the Decree "Cum recenter" issued by the Sacred Congregation of the Holy Office and the Inquisition on December 5, 1894. It is fitting to quote the very words of the aforementioned Prelate: "In order that the explanation may be clearer, the following are presented. Besides the days of Lent, the four seasons, the vigils, and the Saturdays of Advent, there are no other days of fasting in Lusitania. Furthermore, there are also two apostolic indulgences granted for a period of twenty years in this region, by which the law of abstinence is mitigated. The first is a general indulgence, by which the law of abstinence is dispensed on all Saturdays throughout the year, except for the Saturdays of Lent, the four seasons, Advent, Pentecost, and other Saturdays to which fasting is prescribed. The second indulgence, called "Quadragesima," exempts all vigils throughout the year from the law of abstinence, except for the vigils of Pentecost, All Saints' Day, the Nativity of the Lord, and a major feast of the diocese or locality, all of which must be observed according to the precepts. However, this indulgence is granted only to those who, having received the "Summary Bullae Cruciatae," also acquire the "Summary Indulgence of Quadragesima," by making a contribution to the benefit of the seminaries. There is also another indulgence, customarily granted by the Apostolic Nunciature in Lusitania to those who request it, by which they are dispensed from the law of abstinence on the Saturdays of Advent and Lent, except for the Saturdays of the four seasons, the holy Saturday, and certain vigils. With these matters established, the following

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questions are asked: "I. What are the days on which Bishops are permitted, by virtue of the Decree "Cum recenter," to dispense from the law of fasting, when the aforementioned Decree seems to extend the faculty only to the weekdays and Saturdays, and are these very days excluded from the Decree if they are days to which fasting is prescribed? "II. Since the aforementioned Decree speaks of market days in the following manner: "They can use the same power to anticipate or, for very serious reasons, to dispense for the days on which extraordinary market days are held, also with a large gathering of people," and it does not distinguish between market days..."

[*Latin ed. p. 59*]

Sacred Congregation of the Council. 59 "It is asked: Whether it is permissible for Bishops, on the occasion of fairs which take place with a great gathering of the people, to anticipate or dispense from the fast and abstinence, or at least from abstinence alone, while retaining the observance of the fast, on any day that these fairs are held, even on vigils joined to the fast, especially if the same Bishops are certainly aware, from the testimony of the parish priests, that for most people, abstinence is not to be observed?

III. Whether it is permissible for Bishops, on the occasion of religious solemnities, or of fairs which take place with a great gathering of the people on days of fast, or of abstinence alone, outside of the weekdays and Saturdays, to anticipate the fast and abstinence, or to dispense from them for very serious reasons?

IV. Whether the Bishops in Lusitania have the power, by virtue of the aforementioned decree *Cum recenter*, to dispense the people of a city, town, parish, or place, and others who come there, from the law of fasting, when some solemnity or fair with a great gathering of the people is celebrated on Saturdays during the year, which, according to the general Apostolic Indult, are free from the law of abstinence, but in which fasting is observed only because of the vigil which falls on a Saturday that year?

V. And, negatively, concerning IV, or regarding the law of fasting, whether the same Bishops can use this power in the aforementioned circumstances, regarding only the law of abstinence?

VI. Whether it is permissible for the same Bishops to dispense, beyond the law, at least from the law of abstinence alone, in the aforementioned circumstances, on weekdays and Saturdays during the year in which vigils occur, by virtue of the Lenten Indult in Lusitania, which is already exempt from the law of abstinence?

VII. Whether the same Bishops, by virtue of the decree *Cum recenter*, and in the circumstances expressed in n. IV, can lawfully dispense, when the vigil coincides with a Saturday, which is excepted in the Lenten Indult, in which the law of abstinence and fasting must be observed because of the

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vigil alone?

VIII. Whether, according to the meaning of the decree *Cum recenter*, it is permissible for Bishops in Lusitania, beyond the law, to dispense the people of a certain place from the general law of abstinence on Saturdays, for which the Apostolic Nunciature in Lusitania is accustomed to grant an Indult to private families and individuals?

VI. Furthermore, in the aforementioned decree *Cum recenter*, the power is granted, for all future times, to Bishops and other local Ordinaries, to anticipate the day assigned to them under the approved law, and for very serious reasons of fasting and abstinence, when a feast, even the principal feast of the patron or titular saint, or some other solemn feast, which is to be celebrated with a great gathering of the people, falls on a weekday or Saturday during the year, except during the time of Lent.

[*Latin ed. p. 60*]

Acta Apostolicae Sedis. - Official Commentary. "For forty days of fasting during the four seasons, and for vigils throughout the year; and so that they may be able to use this power to anticipate [fasts] or, even in the most serious cases, to grant dispensations for the days on which extraordinary market days are held, also with a large gathering of the people." The Fathers of the Holy Congregation of the Council, in a general meeting on December 11, 1909, considered that the following answers should be given to the questions raised above: To I. Never. To II. Negatively in all cases. To III. Negatively. To IV. Negatively. To V. Negatively. To VI. Provision is made in the preceding [section]. To VII. Negatively. To VIII. The rule for establishing the power that Bishops have regarding granting these dispensations should not be derived from the practice of the Apostolic Notification, which has other indulgences and other powers, but from the decree itself, or from its terms. C. CARD. GENNARI, Prefect. L. Basilius Pompili, Secretary. SACRED CONGREGATION FOR RELIGIOUS ORDERS AND FOR THOSE WHO ENTER RELIGIOUS LIFE. To the Most Blessed Father, Father Benedetto Menni, Apostolic Visitor of the Order of Saint John of God, who prostrates himself before the Sacred Foot, presents the following to Your Holiness: "Because our Novices, upon completing the canonical year of the Novitiate, must within three months make their profession of simple vows, it happens that some of those who, after their profession, are called to military service, lose their religious vocation there. Therefore, the humble petitioner implores Your Holiness for a faculty similar to that which was granted to the Trappists by the Sacred Congregation of Bishops and Regular Canons on April 21, 1871, namely, to allow the Novices to make their profession every six months."

[*Latin ed. p. 61*]

Sacred Congregation of Religious. 61st, until the danger has ceased, a

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faithful copy of which Rescript is appended, as was given in the resolution of doubts on September 2, 1896, concerning the aforementioned Rescript of April 21, 1871, to the Trappists. Regarding this matter, the Sacred Congregation, entrusted with the affairs of religious congregations, having considered the matters presented, by virtue of the special faculties granted to it by the Most Holy Pope Pius X, granted the requested permission, according to the petitions, to the Rescript granted on April 21, 1871, to the Order of Cistercians of the Reform of Trapp, and the responses to the doubts of September 2, 1896. Contrary opinions notwithstanding. Rome, December 29, 1909. Fr. J. C. CARD. VIVES, Prefect. L. Eg S. D. L. Janssens, O. S. B., Secretary. Most Blessed Father, Father U. Benedict, General Procurator of the Order of Cistercians of the Reform of Trapp, prostrate at the feet of Your Holiness, humbly presents the following: A supplication to the Sacred Congregation of Religious was submitted by our Order twenty-five years ago, and was worded as follows: "After the completion of the novitiate, novices should make their profession within six months; moreover, because of the vicissitudes of times, young men are called to military service at every moment. We implore Your Holiness to grant the Superiors the faculty of extending the novitiate until the danger ceases." Thus, the aforementioned Sacred Congregation responded: "After an audience held by the undersigned Under-Secretary of the Sacred Congregation of Religious on April 21, 1871, His Holiness considered the requested grace not to be granted; but rather, He granted that, until the aforementioned danger persists, novices who have duly completed the time of the novitiate may be admitted to the profession of simple vows, valid for six months and renewable every six months." However, since there has often been doubt among us regarding the true meaning and understanding of this Rescript, and since even now our students in France, as well as other citizens, are compelled to obey the military law, the aforementioned Orator reverently submits the following questions to Your Holiness for resolution:

[*Latin ed. p. 62*]

62. Acta Apostolicae Sedis. - Official Commentary. I. Is the solemnly professed religious, concerning whom mention is made in the Rescript, obligated to renew his profession after six months, if he certainly knows that he is to be called to military service, before this period of six months has elapsed? And to answer affirmatively: II. Does such a profession become null and void by the very fact that the religious, having been called to military service, leaves the monastery? And to answer negatively: III. Does such a profession become null and void in such a way that the religious, who has already been called to military service and has departed, is released from all bonds of vows, so that, after these six months have elapsed while under arms, he is released and free? And to answer negatively: IV. Is the religious, upon the completion of his term of military service, obligated

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to return to the Religious Order and to complete a period of simple vows for three years, if necessary, before being admitted to solemn profession? By virtue of special faculties granted by the Most Holy Congregation, the Sacred Congregation of Religious of the Holy Roman Church, presided over by the Cardinals, Most Reverend Fathers, and Most Reverend Lords, considered that the following should be answered concerning the aforementioned doubts, as follows: To I, affirmatively, but so that it should be understood that the declared vows have ceased at the very moment that the religious is compelled to leave the monastery for the purpose of military service. To II and III, see the provision in the first. To IV, he is not obligated to return, and concerning whether he wishes to return, he is to inform the Superior of his perseverance in his vocation, and to make simple vows, and to remain in them for three years in a new profession, before being admitted to the solemn vows, according to the form of the Apostolic Letters of Pope Pius IX of February 1862, which begin: "Concerning the government of the universal Church." Rome, September 2, 1896. I. CARD. VERGA, L. Eg S. Prefect. A. Trombetta, Pro-Secretary. II. DOUBTS CONCERNING THE CLOISTER. The Superior General of the Eremites of Camaldoli of Monte Corona humbly requested this Sacred Congregation of Religious to resolve the following doubts: 1. ° Whether the women who visit the eremitical houses of the Congregation, with a written or oral Indult from the Holy See, must always be accompanied by the Superior or another religious, accompanied by virtuous men.

[*Latin ed. p. 63*]

The Holy Congregation of Religious Orders. 63, 2°. Whether persons of a different sex may enter the cells of the Religious, or at least that of the local Superior. 3°. Whether these same persons may receive from the Religious some refreshment or meal, within the enclosure. 4°. Whether they may enter those places to which the Religious themselves are forbidden access without the permission of the Superior, such as the kitchen, cellar, pantry, etc. 5°. Whether they may be admitted to visit the Novitiate or Professorship, places of special enclosure. And this Holy Congregation of Religious Orders, after mature deliberation, has responded, and responds as follows: To the 1st: Affirmatively; except for the hermitage of Monte Argentino near Cracow, during those twelve days of the year, in which, according to the founding Bull, it is granted to all persons to visit the church. To the 2nd: Negatively to the first part; affirmatively to the second, provided that one of the older Fathers is always present. To the 3rd: In some special case, the Superior may permit it, provided that no Religious participate, and only in the refectory. To the 4th: Negatively. To the 5th: Negatively, even when the Clerics or Novices are not present. All of these prescriptions and restrictions are to be understood as included, although not expressly stated, in every permission or rescript of visit to the hermitages. Subsequently,

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the undersigned Cardinal Prefect, in the Audience of December 21, 1909, reported the resolution of the aforementioned doubts to the Holy Father, who deigned to confirm it entirely. Given in Rome, from the Secretariat of the Holy Congregation of Religious Orders, December 29, 1909. Fr. G. C. CARD. VIVES, Prefect. L. Eg S. D. L. Janssens O. S. B., Secretary. III. DECLARATION CONCERNING THE DECREE OF DD. SEPTEMBER 7, 1909, "CONCERNING CERTAIN CANDIDATES NOT TO BE ADMITTED INTO RELIGIOUS FAMILIES." The Most Holy Lord Our Pope Pius X, in Audience, graciously granted, on January 4, 1910, to the undersigned Cardinal Prefect, and has deigned to decree that the dispositions of the Decree of the Holy Congregation of Religious Orders concerning...

[*Latin ed. p. 64*]

Acts of the Apostolic See. - Official Commentary. 64, dated September 7, 1909, concerning certain candidates who are not to be admitted to Religious Families, and which are to be extended to Religious Families of women as well. Therefore, without special permission from the Apostolic See and under penalty of nullity of the profession, the following candidates shall not be admitted, either to the Novitiate or to the taking of vows: 1. Those who, through their own fault, have been expelled from even secular institutions for a serious reason; 2. Those who have been dismissed from domestic schools, in which girls are specially instructed with the hope of embracing the religious life, for any reason whatsoever; 3. Those who, whether as professed or as novices, have been dismissed from another Religious Order or Congregation; or, if professed, have obtained a dispensation from their vows; 4. Those who, having already been admitted, either as professed or as novices, into one province of a certain Order or Congregation, and have been dismissed from it, aspire to be received into the same or into another province of the same Order or Congregation. Contrary provisions notwithstanding. Rome, January 4, 1910. Fr. L. © S. J. C. CARD. VIVES, Prefect. D. L. Janssens O. S. B., Secretary. I. DECREE OF AURELIAN. In the city of Aurelian, the blessed girls of Aurelian, Joan of Arc, Virgin, on the tenth day after the month of April, of the current year, were solemnly honored with a Mass in the Vatican Basilica. The Most Reverend Father Francis Xavier Hertzog, General Procurator of the Society of Saint Sulpitius, of the cause of Aurelian, following the fervent wishes of the Sacred Prelates of Galliae, began to prepare a proper Office with a Mass to be celebrated on the feast day of the Blessed Virgin, in each diocese throughout Galliae, on the Sunday within the Octave of Ascension, with a double major rite, and a double of the second class in the dioceses.

[*Latin ed. p. 65*]

The Holy Congregation of Rites. 65, Aurelian, Saint-Dié, Nancy, and Virodunum; also in the Archdioceses of Reims and Rouen. Every year, it

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is to be observed: and this schema of the Office and Mass was humbly submitted for the sanction of the Most Holy Lord Pope Pius X. Therefore, for the proper execution of the law, when the Eminent and Reverend Cardinal Dominic Ferrata, Relator of the Cause, in the Ordinary Sessions of the Congregation of Sacred Rites, held on the aforementioned day at the Vatican, proposed the Office and Mass in honor of the Blessed Joan of Arc; the Eminent and Reverend Fathers entrusted with the preservation of the Sacred Rites, after mature deliberation, and after hearing the Reverend Father Alexander Verde, Promoter of the Holy Faith, judged it necessary to write: "For the sake of piety, and to the Eminent Pontiff, together with the Promoter of the Faith." On August 24, 1909. Finally, after the revision of the Office and Mass was completed, and after all these things were presented to the Most Holy Lord Pope Pius X by the undersigned Cardinal Prefect of the Congregation of Rites; His Holiness, considering the judgment of the Sacred Council itself to be ratified, granted a special dispensation, that the feast of the Blessed Virgin Joan of Arc, by both clergy, in all the Dioceses of France, be observed every year on the Sunday within the Octave of Ascension, with the aforementioned Office and Mass, under the double rite; and in the Dioceses of Aurelian, Saint-Dié, Nancy, and Virodunum, as well as in the Archdioceses of Reims and Rouen, under the double rite of the second class, observing the rubrics. All contrary decrees notwithstanding. On the 25th day of the same month and year. Fr. S. CARD. MARTINELLI, Prefect. L. © S. Philip, Canon, Di Fava, Substitute.

OFFICE, MASS, AND PRAISE OF THE BLESSED VIRGIN JOAN OF ARC.

"FOR THE DIOCESES OF FRANCE.

ON THE SUNDAY WITHIN THE OCTAVE OF ASCENSION, ON THE FEAST OF THE BLESSED VIRGIN JOAN OF ARC.

Double Major (FOR FRANCE).

Office of the Order of Virgins, besides the following.

In the First Vespers, the Antiphon of Praises.

CHAPTER. (Wisdom 8, verse 9).

"I have preferred wisdom for my companion; that I might know that she is with me, and that I shall be instructed in her secrets, and that when pride is made, I shall not be confounded. I will have riches and honor, because I loved her; and she opened to me her treasures."

ACTA, vol. II, n. 2. - 20-2-910.

[*Latin ed. p. 66*]

66 Acta Apostolicae Sedis. - Official Commentary. HYMN. She is the

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vigilant guardian of the poor, a little girl of thirteen years, knowing nothing; learned in the first prayers, pious among her companions, simple, gentle, and innocent. Michael the Archangel teaches her while she prays, how the virgins shine with a bright light, conspicuous together through the merits of virtues, and are nurtured by frequent exhortations. While she hears the surpassing voices, she is afraid; but, her mind being stronger in the Lord each day, obedient to His commands, she willingly offers herself as a sacrifice for her country. Soon she leaves her sweet companions and her homeland, and, having become a soldier of God, as the Angel calls her, she is carried away, fearless, like a horse. He who established the earth, glory to the Father; He who redeemed the nations, glory to the Son; glory to the Holy Spirit, who makes pious and strong souls. Amen. f. Through the merits and prayers of Blessed Joan. Alleluia. R) Be merciful, O Lord, to your people. Allelua. Ad Magnificat Ant. This is Joan, the virgin of Orleans; she who prays much for the people, and for all the people of France. Alleluia. PRAYER. O God, who wonderfully raised up Blessed Joan, a virgin, to defend the faith and the country: grant, we beseech you, through her intercession, that your Church, overcoming the snares of the enemies, may enjoy perpetual peace. Through our Lord. And it is said, for the Feast of the Ascension and its Octave. FOR MATINS. Invitatory. King of Virgins, O Lord * Venite, adoremus. Alleluia. HYMN. The enemies press in vain against the towers of Orleans: Joan enters; the soldiers sing hymns and prayers. How she wished to spare the enemy! She warns him with a friendly voice, that he, willingly departing, may leave the kingdom of France.

[*Latin ed. p. 67*]

Saintly Congregation of Rites. 67. She denies, but the Gallic army rushes forth: Joan sheds blood, struck by a wound, and God grants victory. Cities and fields are occupied; Linden flourishes anew; enemy troops are routed; the road to Rheims is opened. O holy and undivided Trinity, strengthening and moving hearts, grant vigor and reward to those who contend against evil. Amen.

IN THE NIGHT OFFICE.

Antiphon: The magnificence of Joan has been raised above the heavens. Alleluia.

V. Through the merits and prayers of the Blessed Joan. Alleluia.

R. Be merciful, O Lord, to your people. Alleluia.

Scriptural readings from the Common Office, 2nd place, "Confitebor" (where the Office of the double rite of the 2nd class is performed).

R. I. God is the hearer of all; He sent His angel, and delivered me from the sheep of my father: *And He anointed me with the oil of His mercy. Alleluia, alleluia.

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Response: Prepare your hearts for the Lord, and serve Him alone, for He has sent me to help you. And He anointed.

R. II. I have taken you from the house of your father, and I have heard your voice: *And I have been with you in all things, wherever you have walked. Alleluia, alleluia.

Response: I have made your name great in all your people, as the name of the great who are in the earth. And I have been.

R. III. Adonai, O Lord, God, great and wonderful, who has given salvation in the hand of a woman: *Hear the prayers of your servants. Alleluia, alleluia.

Response: Blessed are you, O Lord, who do not forsake those who presume upon you, and who glory in their own strength, but humble them. Hear. Glory to the Father. Hear.

IN THE SECOND NIGHT OFFICE.

Antiphon: Through truth and meekness, and justice, He will miraculously lead you with His right hand. Alleluia.

Response: The Lord has become my sustainer. Alleluia.

R. And He is my refuge in the day of tribulation. Alleluia.

Reading IV. Joan of Arc, in the town of Domremy, formerly in the Diocese of Toul, now Saint-Dié, born to parents distinguished by faith and integrity of He has made me great. Thou art my God, and I will praise thee. She had lived only thirteen years, having been taught only domestic duties, rural work, and the first elements of divine things, when she was, by divine inspiration, instructed that she was chosen by God, to go to Gallia from

[*Latin ed. p. 68*]

68 Acta Apostolicae Sedis. - Official Commentary. to liberate it from its enemies, and to restore it to its former kingdom. After five years, Michael the Archangel, and the saints Catherine and Margaret, with whom she was intimately associated, made her more certain of how to carry out the task commanded of her. Having determined that obedience to God was paramount, she requested of the prefect of Vallis Colorum that he provide her with men who would lead her to King Charles. R). IV. "May the Lord bless you in His power, who through you has reduced our enemies to nothing: * That your praise may not fail from the mouth of men. Alleluia, alleluia. -f. You are the joy and the glory of our people, because the Lord has magnified your name. That your praise may not fail." Reading V. Obeying the heavenly commands, and overcoming the difficulties of a long journey, she arrived at the fortress of Cainon in the region of Tours, and, having gained the trust of King Charles, and declaring that she

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had been sent by God, she set out for the city of Aurelian. In a few days, with a terrible onslaught, she inflicted a threefold defeat upon the enemies, captured fortresses, and raised her own banner. Afterwards, after other military exploits in which the help of God appeared in a remarkable way, she led Charles to Rheims, so that he might be consecrated as king. She did not consider that she should rest: but when she received news from the heavens that, if it pleased God, she would be delivered into the power of the enemies, she willingly accepted what was necessary. V. "They adorned the face of the temple with golden crowns, they anointed the king, and ascending joyfully they said: 'Long live the king.' * And there was great joy in the people. Alleluia, alleluia. V. In hymns and confessions they blessed the Lord, who through the hand of a woman had brought about victory. And it was so." Reading VI. "Joan was captured in the city of Compiegne, and delivered to the enemies for a price, and was soon taken to Rothomagum, where, after being seized, she was subjected to numerous accusations, with the exception of her chastity; but she patiently endured all things for Jesus. The trial was conducted by the most corrupt judges, and the innocent and gentle virgin was condemned to the penalty of burning. Therefore, having received the Holy Eucharist, which she had so long desired, with her eyes turned towards the cross, and repeatedly uttering the name of Jesus, she ascended to heaven on the thirtieth day of May, not yet having completed her twentieth year. The Church of Rome, which she had always loved, and to which she had often been drawn, took care that Callistus III, the Supreme Pontiff, would vindicate her from all accusation. At the end of the nineteenth century, Leo XIII allowed the case of the girl from Aurelian to be introduced. Finally, Pius X, after a most diligent examination, restored Joan of Arc, recently renowned for her miracles, to the ranks of the Blessed, and graciously granted the entire region of Galliae a special office and a proper Mass. R). IV. "Fear not, my daughter, for I am with you, says the Lord: * If you should pass through fire, the flame shall not harm your soul, and I will glorify..."

[*Latin ed. p. 69*]

Holy Congregation of Rites. 69th. Alleluia, alleluia. – *f*. I will send you my angel, and in the midst of the flame you shall praise my name. If you pass through. Glory to God. If you pass through. IN I I I. NIGHT OFFICE. Antiphon: Confession and beauty in his sight, sanctity and magnificence in his sanctification. Alleluia. *f*. You have placed upon his head. Alleluia. Response: A crown of precious stone. Alleluia. Reading from the Holy Gospel according to Matthew (chapter 16). Reading VII. At that time: Jesus said to his disciples: "If any man will come after me, let him deny himself, and take up his cross, and follow me." And the rest. Homily of Saint Hilary, Bishop (Canon 16, 17). O blessed loss and happy ruin! The Lord willed that we should be impoverished in soul and body, and he urges us to be like him-

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self: for he, being made in the figure of God, became obedient unto death, even to the death on the cross, and received the principality of power over all things that are in God. Therefore, he must be followed with the cross taken up, and his passion must be joined, if not in fact, at least in will. For what profit is it to have occupied the world, and to have been enriched with all the treasures of the world, if the soul is to be lost and the detriment of life is to be accepted? Response: May the Lord hear the prayer of his handmaid, for whom he prayed for us, that God may be reconciled with us: * "Do, O Lord, that your holy Name may remain in our land." Alleluia, alleluia. *f*. Look upon, O Lord, and visit your people, lest the Host and Sacrifice fail in it. Do, O Lord. Reading VIII. But what exchange is sought for the soul, when it is lost? For with the angels Christ will be present, rendering to each according to what they shall merit. What shall we offer for life? I believe that earthly treasures are prepared for future dealings, ambitious titles of honor and fame, or the ancient images of delegated nobility? All these things must be denied, so that we may abound in better things: and Christ must be followed with contempt for all things, and eternity must be preferred to earthly things. Response: Lord, you have anticipated her in the blessings of sweetness: * "You have placed upon his head a crown of precious stone." Alleluia, alleluia. *f*. Because she feared not the threats of judges, nor sought the glory of earthly dignity, but attained to the heavenly kingdoms. You have placed. Glory to God. You have placed. Reading IX from the Homily of the Lord's Day. Te Deum. FOR LAUDS AND THE HOURS. Antiphon 1: Behold, Joanna, a simple and most pious virgin, for she feared the Lord greatly, and there was no one who spoke a bad word about her. Alleluia.

[*Latin ed. p. 70*]

70 Acta Apostolicae Sedis. - Official Commentary. Ant. 2. The Lord raised her up, and therefore the maiden put on the armor of God, that she might be able to stand against the snares of the enemies. Alleluia. Ant. 3. She stood firm, girding her loins with truth, and having put on the breastplate of justice, she took up the shield and helmet of salvation. Alleluia. Ant. 4. Behold, she lifted up her hand to the nations, and she exalted the sign of the Lord to the peoples, that the opposing forces might flee. Alleluia. Ant. 5. Her angel guarded her, and hence she going, and there abiding, and thence returning, and in the midst of the fire he did not forsake her. Alleluia. CHAPTER. (Wisdom 8:9). I proposed wisdom to myself to serve with her: knowing that she would communicate with me about good things, and would be the discourse and solace of my thoughts and cares. Because of her, I will have clarity before crowds, and honor among the elders, as a young man. HYMN. "O Victorious against enemies, with swift course, Charles, you accompany her to the holy temple, that the sacred anointing may rightly consecrate the king. With joy mingling with

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tears, Joanna, you praise the Prince: to the Lord, you render due thanks, and with your right hand, you retain the noble sign. Having raised up the people from long ruin, you have accomplished great things, generous virgin: rightly, our fatherland calls you its parent for ages! But a greater and better reward remains: new labor and triumph demand you: you, whom God has sent, He Himself will give strength, and a crown. Who gave salvation to the oppressed people, let us always praise the Lord, holy and great, that France may live according to the merits of so great a patron. Amen. f. Great is her glory in your salvation. Alleluia. R). You shall place glory and great honor upon her. Alleluia. To Benedict. Ant. Standing in the midst of the flame, the Blessed Joanna, with her eyes turned towards the cross, thus prayed, saying: Lord Jesus, receive my spirit: let not this sin be decreed for them. Alleluia. Prayer, as in Vespers of the Immaculate Conception. And it is the Common of the Sunday and the Octave.

[*Latin ed. p. 71*]

Sacred Congregation of Rites. 71, Ad Terțiam. Antiphon: He raised her up. Chapter. As in the Hymns. Responsorial: Through the merits and prayers of the Blessed Joan. * Alleluia, alleluia. V.: Be propitious, O Lord, to your people. Alleluia, alleluia. Glory be to the Father. Responsorial: The Lord became my sustainer. Alleluia. R.: And my refuge in the day of tribulation. Alleluia. Ad Sextam. Antiphon: She stood. Chapter. (Wisdom 8:12). "They shall sustain me in silence, and when I speak they shall hear me, and when I speak much they shall lay their hand upon their mouth." R.: The Lord became my sustainer. * Alleluia, alleluia. V.: And my refuge in the day of tribulation. Alleluia, alleluia. Glory be to the Father. Responsorial: He placed it upon her head. Alleluia. R.: A crown of precious stone. Alleluia, alleluia. Ad Nonam. Antiphon: She guarded. Chapter. (Wisdom 8:13). "Through this I shall have immortality, and to those who shall come after me I shall leave a remembrance of eternal glory." R.: He placed it upon her head. * Alleluia, Alleluia. V.: A crown of precious stone. Alleluia, alleluia. Glory be to the Father. Responsorial: Great is her glory in your salvation. Alleluia. R.: You shall bestow glory and great splendor upon her. Alleluia. In II. Vespers. All as before, except the following: Hymn: Hail, Virgin of manly heart, Patroness of Galliae! Enduring terrible torments, you reflect the image of Christ. Hearing heavenly voices, filled with the light of Jesus, while you reveal the destiny of the homeland, the judges are silent and afraid.

[*Latin ed. p. 72*]

Acta Apostolicae Sedis. - Official Commentary. Oppressed by flames, she cried out to Jesus, and bravely embraced the cross, flying to Him, like a simple dove. Joined by the choirs of the blessed Virgins, she aids her citizens: may she be invoked, that to each may be given the crown of glory.

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Glory to the Father, and to the Son: to the Holy Spirit, glory, who wounds hearts with love, strengthening and increasing the weak. Amen. f. By the merits and prayers of Blessed Joan. Alleluia. R). Have mercy, O Lord, upon Thy people. Alleluia. To the Magnificat. Ant. Joan, bride of Christ, guardian and protector of the homeland, be to Thy servants an impregnable wall through Thy constant intercession. Alleluia. When this feast should happen to be transferred elsewhere outside of the Paschal season, the following antiphons are said on the three nights; also omitting the Alleluia in the R)R) and ff. IN THE FIRST NIGHT. Ant. 1. The magnificence of Joan has been raised above the heavens. Ant. 2. Come, O my elect, and I will set thee upon my throne, because the King has desired thy beauty. Ant. 3. She received a blessing from the Lord, and mercy from the God of her salvation. IN THE SECOND NIGHT. Ant. 1. Because of truth, and meekness, and justice, Thy right hand will wondrously lead thee. Ant. 2. He will break the bow, and shatter the weapons, and burn the shields with fire. Ant. 3. Thy right hand is full of justice and mercy. IN THE THIRD NIGHT. Ant. 1. Confession and beauty are before Him, sanctity and magnificence in His sanctification. Ant. 2. The heavens announced His justice, and all peoples beheld His glory. Ant. 3. He judged in justice, and governed the peoples with equity. Reading IX, when it is to be read, will be the following: A grave burden had been imposed upon human weakness, so that when men began to experience the sense of life from the affection of living, they would lose the fruit of it, which was present in their bodies; and they would deny to themselves that they had become what they had become.

[*Latin ed. p. 73*]

S. Congregatio Rituum. 73: They would not: having begun this matter from the affection of the will. Therefore, it was necessary by the authority of a true and manifest example, that the present loss might be made desirable, so that, without ambiguity, the future gain would be certain. Therefore, after having warned of the necessity of taking up the cross, and of losing one's life, and of exchanging the life of this world for the eternity of the next, He turned to His disciples and said: "Some of those standing here will not taste death, until they see the Son of Man coming in His kingdom with glory."

MISSA. Introit. (From Exodus 15). Let us sing to the Lord: for He is magnified above all. The Lord is my strength and my song, and He is become my salvation. Alleluia, alleluia. Ps. 97. Sing ye to the Lord a new canticle, for He hath done wonderful things. *Gloria Patri.*

ORATION. O God, Who wonderfully raised up the Blessed Virgin Mary to defend the faith and the homeland: grant, we beseech Thee, through her intercession, that Thy Church, having overcome the snares of the enemies, may enjoy perpetual peace. Through our Lord. And it is the Feast of the Lord and the Octave.

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Reading from the Book of Wisdom. (Wisdom, chapter 8). I proposed to myself to lead wisdom to dwell with me, knowing that she would communicate with me of good things, and she would be the companion of my thoughts and my cares. Through her, I will have brightness among the people, and honor among the elders. I will find understanding in judgment, and before the powerful I will be admirable, and the countenance of princes will marvel at me. They will sustain me who are silent, and they will look at me who speak, and when I speak, they will lay their hands upon their mouths. Moreover, through her, I will have immortality, and to those who will be after me, I will leave a lasting memory. I will dispose nations, and the people will be subject to me. Kings will hear of me and be afraid. In multitude I will be seen as good, and in war as strong. Alleluia, alleluia. -f. (Judith 15). Thou hast done manfully, and thy heart is strengthened. The hand of the Lord hath strengthened thee, and therefore thou shalt be blessed for ever. Alleluia. *f.* (Ibid. 8). Now therefore pray for us, for thou art a holy woman and fearing God. Alleluia.

Outside of the Paschal Time. Gradual. (Judges 5). The Lord hath chosen new battles, and He Himself hath overthrown the gates of the enemies. (Ibid.). Where chariots were broken, and the army of the enemies was suffocated, there let the justice of the Lord be declared, and His mercy among the mighty men of Israel. Alleluia, alleluia.

[*Latin ed. p. 74*]

74 Acta Apostolicae Sedis.. - Official Commentary. f. (Judith 13). Praise the Lord our God, who has not forsaken those who hope in Him, and has fulfilled His mercy towards me, His handmaid, which He promised to the house of Israel. Alleluia. * X Sequence of the Holy Gospel according to Matthew (Matthew 16). At that time: Then Jesus said to his disciples: "If any man will come after me, let him deny himself, and take up his MSS cross, and follow me. For whoever will save his life shall lose it: but whoever shall lose his life for my sake, shall find it. For what doth it profit a man, if he gain the whole world, and suffer loss of his own soul? Or what shall a man give in exchange for his soul? For the Son of man shall come in the glory of His Father with His angels: and then every man shall render to him according to his works." Offering. (Judith 15). All blessed her, saying with one voice: "You are the glory of Jerusalem, you are the joy of Israel, you are the honor of our people." Alleluia. SECRET. May this saving Host, O Lord, grant strength to those who are in difficult circumstances, to whom Blessed Joanna, amidst so many kinds of trials, gave such outstanding examples; so that, in order to repel enemies, she did not hesitate to face even the dangers of war. Through the Lord. Communion (Psalm 22). Although I walk in the midst of the shadow of death, I will fear no evil, for You are with me, O Lord Jesus. Alleluia. POSTCOMMUNION. Having been refreshed by the heavenly bread, which so often sustained Blessed Joanna

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to victory: grant, we beseech You, Almighty God, that this food of salvation may make us victorious over our enemies. Through the Lord. Gospel for the Sunday in End. FOR THE MARTYROLOGIES OF FRANCE. ON THE THIRTIETH DAY OF MAY. Of Joan the Virgin of Archis, called the Maiden of Orleans, inscribed in the Celestial Catalogue by Pope Pius X, whose feast is celebrated throughout France, with special devotion, every year on the Sunday within the Octave of Ascension. SUNDAY WITHIN THE OCTAVE OF ASCENSION. Office of Blessed Joan the Virgin of Archis, whose Nativity is celebrated on the thirtieth day of May.

[*Latin ed. p. 75*]

Sacred Congregation of Rites. 75 II. RATISBONA (Ratisbon). CONCERNING the "Postcommunion" in the Mass of the Holy Martyrs Perpetua and Felicitas, and the "Communion" in the Mass of St. Agnes. Frederick Pustet, Printer to the Apostolic See and to the Congregation of Sacred Rites, preparing new editions of the Roman Missal, humbly proposed the following questions to the same Sacred Congregation for appropriate resolution:

I. By Decree of August 25, 1909, the Feast of the Holy Martyrs Perpetua and Felicitas, formerly celebrated with a simple rite, was transferred to March 6th, with its proper Office and Mass, and extended to the entire Church. Indeed, both in the Postcommunion, as has been customary for many centuries on the Feast of St. Thomas Aquinas on March 7th, and in the Postcommunion as it is found in the Mass "De Martyribus," there is a distinction, albeit a very slight one, that in the Postcommunion customarily recited on the Feast of the Holy Martyrs Perpetua and Felicitas, the names of the Holy Martyrs Perpetua and Felicitas are expressly mentioned, whereas in that of the "Communion," the letter "N" is absent. The question is: what should be chosen?

II. In the Communion of the Feast of St. Agnes, on January 28th, among the various older, more recent, and most recent editions of the Roman Missal, there is a slight difference. Namely, after the words "good pearls," the word "autem" is found in some editions, and is absent in others. The question is: should the word "autem" be added in future editions of the Roman Missal, or not?

And the Sacred Congregation of Rites, with the careful support of the Liturgical Commission, after careful consideration, has decided as follows:

Regarding I. In the Mass "De Martyribus," if there are several martyrs, whether virgins or not, the words "N. and N." should be added after the words "to your martyrs" in the "Postcommunion," as in the preceding prayers.

Regarding II. Let the edition of the Roman Gradual recently approved and published by the Vatican presses be followed, in which the word

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"autem" is not present.

Thus it was decided, on December 3, 1909.

Fr. S. CARD. MARTINELLI, Prefect.

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[*Latin ed. p. 76*]

76. Acta Apostolicae Sedis. - Official Commentary. III. DECREE OF THE ROMAN OR SAINT LOUIS CONGREGATION. CONCERNING THE BEATIFICATION AND CANONIZATION OF THE VENERABLE SERVANT OF GOD, PHILIPPA DUCHESNE, OF THE SOCIETY OF SISTERS OF THE SACRED HEART OF JESUS. Concerning the mother, Magdalena Sophia Barat, who by Our Most Holy Pope Pius X was recently solemnly enrolled among the Blessed Virgins, the Society of Sisters of the Sacred Heart of Jesus, with great joy, has continued to promote the cause of beatification of another of its most distinguished members, one of the first Sisters received by the Founder herself into the Society and a propagator of the Institute, especially in the regions of Americae, namely, Philippa Duchesne. This Handmaid of God was born in Gratianopolis, from the noble man Peter Francis Duchesne and Rosa Euphrosina Perier, his wife, on August 29th of the year 1749, and on the eighth day of the following month, she was regenerated in the sacred font and adorned with the double name: Rosa Philippa. She spent her childhood in such a way that her parents foresaw her future progress. Inclined to piety and to studies, she possessed a good character and a keen intellect. She loved the poor and, in every way possible and with diligence, assisted them. At the age of twelve, she was admitted for the first time among the nuns of the Order of the Visitation of the B.V.M., and remained there for two years, excelling among the students in study, diligence, and devotion. She also obtained the privilege of standing with the nuns in the choir and performing the divine offices, thus foretasting the religious life. Having been recalled to her paternal home, she was allowed to indulge somewhat in the vanities and conversations of the world, but she never ceased to act honorably; indeed, she conceived, fostered, and preserved the intention of dedicating herself to God. In the meantime, she diligently studied the humanities and the fine arts, and added to these disciplines the study of music, graphic arts, and painting. When given the counsel by her parents to consider marriage, the wise and prudent young woman immediately opposed it, saying that, having been preceded by another lover, namely, Christ Jesus, she wished to dedicate herself entirely to Him alone. Therefore, she persisted with fervent prayers, so much so that, with a happy outcome, she bid farewell to the world and entered the same Monastery in the year 1787. Besides the other works of charity which she performed as a member of the Society, and as a coadjutor, it is particularly worthy of mention: her diligence in instructing young girls, her special ability in teaching the catechism in the year 1789, and her devout

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recitation of the divine office in the choir, even amidst the disturbances of the public affairs, to encourage her companions.

[*Latin ed. p. 77*]

The Holy Congregation of Rites. From the very beginning of her life, she strove as much as possible to never fail. After the death of her mother, she went to Gratianopolis, where she found delight in visiting prisoners, tending to the sick, assisting the poor and needy, and preparing boys and girls for Confession and Holy Communion. In the year 1801, she purchased the Visitation Convent at a price she could afford, and resided there with some companions. In the year 1804, as the end approached, Magdalena Sophia Barat, foundress of the Society of the Sacred Heart of Jesus, at the request of the aforementioned Servant of God, visited the convent, and, encouraged by the Reverend Rivet, S.J., invited Philippine and her faithful companions to join her religious Society, transforming the convent itself into a house of her Society. Meanwhile, the Servant of God, having completed her novitiate, was duly admitted to pronounce her religious vows. She was called to Paris, where she served in the secretariat of the principal house of the Institute. Not long after, at the urging of the Bishop of St. Louis, she was chosen and appointed by the General Superioress to establish a foundation in that diocese, and, together with the companions, Miss Eugenia Andey and Octavia Berthold, and two Sisters, she embarked on a journey to the American shores, arriving on the feast of the Most Sacred Heart of Jesus, in the year 1818. She fell ill in New Orleans and had to remain there; after six weeks, having regained her health, she went to the city of St. Louis, and, at the direction of the Bishop, and with the favor of Divine Providence, she began the work of establishing a house in the city of San Carlos. With a successful outcome, she also established houses in other places, among which was a building in the town of Fleurissant, near the city of St. Louis, intended for the instruction of novices and young girls. In the year 1840, Miss Philippine, already advanced in years and weakened in health, as she had repeatedly requested, was succeeded as General Superior for the American houses by Miss Galitzin. However, she did not abandon the work of establishing foundations, and went to evangelize the Indians of the Potowatomie tribe, and to establish a house of the Society in the town of Sugar Creek. There she converted many pagans and heretics to the Catholic faith, and became so highly esteemed by all that they called her "the woman who always prays." A testament to her faith and love was her devotion to the Most Holy Sacrament of the Eucharist and to the Most Sacred Heart of Jesus, from which she drew the life-giving waters of grace. She was held in filial piety and special reverence for the Blessed Virgin Mary, especially under the titles of the Immaculate Conception and of the Rosary, and she encouraged this devotion in others, especially through groups of the Daughters of Mary. Furthermore, she showed great devotion

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to her guardian angels, St. Joseph, St. Anthony of Padua, St. Philomena, St. Francis Xavier, and St. Francis Regis. Filled with the love of God, she embraced with her charity both the living and, especially, the dead who were detained in the expiatory prison, knowing that true charity and mercy are inseparable, and are also holy.

[*Latin ed. p. 78*]

78 Acta Apostolicae Sedis. - Official Commentary. And to pray that these be delivered from their sins. All of this, Mother Philippina accomplished, both in the city and in the religious house of San Carlos, where she lived for about ten years, from the year 1842, setting an example to the members and young women of piety, wisdom, and Christian prudence; until, afflicted by a serious illness which worsened, on November 18, 1852, after receiving the sacraments of the Church, and invoking the Holy Family: "Jesus, Mary, Joseph," she peacefully rested, having lived eighty-four years. The body of the Handmaid of God, composed and brought to the church, after the funeral ceremonies had been completed with a large gathering of the people, was buried in a special tomb, and there it remained until, in the month of October of the year 1855, it was exhumed and placed in another, more worthy tomb. In the years 1876 and 1896, it was examined twice; the *capsa* in which it was kept was opened, and a large amount of water was found, which, through its use, has restored health to many sick people, through the merits and intercession of the Handmaid of God. Meanwhile, the fame of the holiness which this religious woman acquired while living in Gratiopol, Paris, and in America, after her death, and with the reported miracles, has continued to grow to this day. Therefore, investigations were conducted in Rome and in St. Louis, which, after being completed, were presented to the Congregation of Sacred Rites. Thus, with all things in readiness, at the urgent request of the Most Reverend Raphael Maria Virili, Bishop titular of Troaden, and Promoter of this Cause, and with the attentive petitions of the Imperial and Royal Majesties Francis Joseph, Emperor of Austria, and of princes belonging to imperial or royal families, and with the letters of request from some Eminent Cardinals of the Holy Roman Church, and from many Most Reverend Prelates, as well as from the Generals of both Orders and Congregations, and from the General Superiors of the Society of the Sacred Heart of Jesus, the Eminent and Most Reverend Cardinal Dominic Ferrata, Promoter or Relator of this Cause, in the meetings of the Ordinary Congregation of the Congregation of Sacred Rites, held on the indicated day at the Vatican, proposed the following question for discussion: "Whether a Commission should be appointed for the introduction of the Cause, in this case and to the effect of what is being considered." And the Eminent and Most Reverend Fathers entrusted with the preservation of the Sacred Rites, after the report of the Eminent Promoter, and after hearing the Reverend Father Alexander Verde, Promoter

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of the Holy Faith, after careful consideration, judged it necessary to write: "Affirmatively, or that a Commission should be appointed, if it pleases the Most Holy." On December 7, 1909. Subsequently, a report on these matters was made to the Most Holy Pope Pius X by the undersigned Cardinal Prefect of the Congregation of Sacred Rites, and His Holiness deigned to ratify the judgment of the Sacred Congregation and to sign the Commission for the introduction of the Cause.

[*Latin ed. p. 79*]

Sacred Congregation of Rites. 79. Concerning the Beatification and Canonization of the Venerable Servant of God, Philippine Duchesne, of the Society of Sisters of the Sacred Heart of Jesus, on the 9th day of the same month and year. Most Reverend Cardinal Prefect. MARTINELLI, L. S. S. Philip Can. Di Fava, Substitute. IV. DECREE OF ROME, OR BARCELONA. Concerning the Canonization of the Blessed Bonaventure of Barcelona, a Lay Brother of the Order of Friars Minor. Regarding the Foundation of the Shrine of St. Bonaventure in the City. From the Palatine Hill, where amidst the ancient ruins of the city, a church still stands, dedicated to St. Bonaventure, Bishop, Confessor, and Doctor of the Church, which devoutly safeguards the sacred relics of the celebrated missionary, St. Leonard of Port Maurice, and of the Blessed Bonaventure of Barcelona, the founder of that sacred shrine, a hidden voice gathers citizens and pilgrims who flock there, so that, visiting the sanctuary with piety, they may honor these precious relics with particular devotion and fitting reverence, imploring heavenly assistance, with the intercession of both. The cause for the beatification of the Venerable Bonaventure, due to the vicissitudes and changes of times, especially in Spain, although begun and promoted later, has nevertheless been concluded with greater and happier success in our times. At the urging of the Most Reverend Father Francis Paolini, General Postulator of the Order of Friars Minor, action has been taken regarding the resumption of this cause, for the purpose that the same Blessed may be associated with his companions, Leonard and Joseph Oriol, a priest of Barcelona, recently added to the list of saints, and that he may be honored and venerated with equal distinction. This religious man, beloved by God and blessed in name, was born on November 24th, in the year 1620, in the town of Rindoms, near the city of Barcelona, and was baptized with the name and patronage of St. Michael the Archangel. However, he changed his name to the most auspicious Bonaventure on July 14th, in the year 1640, at the age of nineteen, having already entered the Order of Friars Minor and the Spanish monastery in the town of Escamarlon, and having received the religious habit, with God's favor. After traveling through various regions and many convents, and being an example of conspicuous virtue and religious

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profession, he finally settled in Rome.

[*Latin ed. p. 80*]

Acts of the Apostolic See. - Official Commentary. 80 In the humble office of a gatekeeper at the monastery of St. Isidore, his reputation for holiness shone so brightly that he was commonly called "Brother Holy." But God, who exalts the humble and fills them with His Spirit and His gifts, and chooses them for greater things for His glory, bestowed heavenly graces upon Bonaventure, with which, strengthened by Him, he undertook glorious works, even those that were arduous. Among these, prominent are the erection of sacred spaces in the convent of St. Mary of Graces in the Sabine region, in the religious houses of Montorio and Varia, and especially in Rome, in the aforementioned monastery, with its magnificent temple of St. Bonaventure, approved with singular praise by Pope Alexander VII through letters beginning with: "For the governance of the Catholic Church." The heroic virtues of this holy man, who was highly esteemed by the Supreme Pontiffs Alexander VII, Clement IX and X, and Innocent X, having been recognized and approved after prior legal investigations, were declared by Pope Pius VI, of blessed memory, through a decree issued on August 25, 1775. Furthermore, two miracles, which were said to have occurred through the intercession of the same Venerable Servant of God, having been thoroughly investigated and duly approved, in the year 1906, the Most Holy Lord, our Pope Pius X, in the Patriarchal Basilica of the Vatican, solemnly elevated the Venerable Bonaventure of Barcelona to the honors of the blessed. Subsequently, triduums of solemnity were devoutly celebrated in the churches of the Order of the Friars Minor, especially in Spain and Italy, and particularly in the church of Urbana, on the Palatine Hill, which aroused greater piety and trust in the newly declared Blessed among the faithful. Indeed, many devout individuals, by reading accounts of his life or venerating his images or relics, while imploring his help in difficult times and in their needs, reported receiving benefits through his merits and prayers, giving due thanks to God who had willed to honor His chosen one and friend in this way, as they themselves said. Therefore, when strong arguments were presented to promote the cause of canonization, at the request of the esteemed promoter of the cause, and after several subsequent and attentive petitions, His Eminence and Reverend Lord Cardinal Dominic Ferrata, the Promoter of the Cause or Relator, in the assembly of the Ordinary Congregation of Sacred Rites, held on the date indicated at the Vatican, proposed the following question for discussion: "Whether a commission should be appointed to resume the cause, in the case and for the purpose of which the aforementioned rites are concerned." Furthermore, His Eminence and Reverend Fathers, after the report of His Eminence the Relator, having heard the Reverend Father Alexander Verde, Promoter of the Holy Office, after careful deliberation, decided to write:

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"Affirmatively, that is, a commission should be appointed, if it pleases the Most Holy [Pope]." On December 7, 1909. With all of the above related to the Most Holy Lord, our Pope Pius X, through the Cardinal Prefect of the Congregation of Sacred Rites below, His Holiness, having approved the rescript of the aforementioned Congregation,

[*Latin ed. p. 81*]

The Holy Congregation of Rites, on the 8th day of the aforementioned month and year, deemed it fitting to appoint a Commission for the investigation of the cause of beatification of Blessed Bonaventure of Barcelona, Confessor. Rev. Cardinal MARTINELLI, Prefect. Rev. Canon PHILIPPUS di Fava, Substitute. V. CURIENSIS (Chur). CONCERNING THE OFFERTORY IN SOLEMN MASSES. Regarding a doubt proposed by the Most Reverend Bishop of the Diocese of Curiensis: "Whether it is permissible for the custom, which has prevailed for a long time in many of the smaller churches of the Diocese of Curiensis, to continue, namely, that in solemn Masses, except for certain more solemn ones, the celebrant intones the Creed (Symbolum), and after reciting it, immediately proceeds to the Offertory, while the Creed is being chanted by the choir?" The Holy Congregation of Rites, having heard the opinions, judged that the following should be answered: "No." The Liturgical Commission should be consulted, and the rubrics and decrees should be observed. And thus it was written, on December 11, 1909. Rev. Cardinal MARTINELLI, Prefect. Rev. Canon PHILIPPUS di Fava, Substitute. VI. CEPHALUDENSIS (Cefalù). CONCERNING CERTAIN PECULIAR CUSTOMS IN THE OFFICE, IN THE MASS, AND OTHER SACRED FUNCTIONS. The Most Reverend Bishop of the Diocese of Cephalù humbly requested a solution from the Holy Congregation of Rites regarding the following doubts: I. Whether the long-standing custom of using...

[*Latin ed. p. 82*]

Acts of the Apostolic See. - Official Commentary. 82. Concerning the Relic of the Holy Cross of Our Lord Jesus Christ, are certain rites to be observed before the Most Holy Sacrament solemnly exposed, namely, kneeling on both knees when passing before it, incense being offered to it by the celebrant kneeling, and it being covered with a violet veil if a homily is to be given; or rather, should the decrees already issued, namely, No. 2324 of Brixen, September 15, 1736, and No. 2727 of Lucerne, May 23, 1835, be followed?

II. And concerning the first part, can this custom be maintained at least on Fridays and Saturdays, notwithstanding the decree No. 3201 of Monreale, March 20, 1869, at VII? III. In the choir, is it customary to recite prayers kneeling at any time of the year, during the Antiphon "Salve Regina" with its verses and the prayer "Omnipotent and eternal God," after

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the final antiphon of the season, after the first hour has been completed, or, if the choir is not interrupted, after the third hour before the conventual Mass? It is requested whether this custom can also be observed when the final antiphon of the season is "Salve Regina," so that it is repeated twice; and concerning the affirmative part, whether it should always be recited kneeling, even on Sundays and during the Paschal season?

IV. Must the choir kneel when the celebrant, in a solemn Mass or at Vespers, offers incense to the Most Holy Sacrament solemnly exposed?

V. May the organ be played when the readings are chanted in the Office for the Dead and in the Mass for the Dead, when the choir is silent?

VI. Whether, in the singing of the "Caeremonialis" before the elevation, the prescript of Bishop Benedict in *Liber II, cap. VIII, 70-71* should be followed?

VII. Whether, in the blessing given with the relics of the Saints, one should kneel in the choir or stand? And concerning the affirmative part, whether this applies also to the Canons?

VIII. When a Canon celebrates a solemn Mass in the Cathedral, he puts on the vestments in the chapter hall, and the ministers put on their vestments in the sacristy. What is to be done in this case? Should the custom be followed, or the decrees No. 2703 of Recineta, March 16, 1833, and No. 3937 of Urgella, December 11, 1896?

And the Sacred Congregation, with the careful support of the Liturgical Commission, considered that the following answers should be given to the proposed questions:

To I and II: The decrees should be followed.

To III: Negatively to both.

To IV: Negatively.

To V: Negatively to the first part; and negatively to the second, according to the *Caeremoniale Episcoporum, Liber I, cap. XXVIII, No. 13*.

To VI: The *Caeremoniale Episcoporum* should be followed.

[*Latin ed. p. 83*]

Sacred Roman Rota. 83 Ad VII. All are to kneel. Ad VIII. Stand regarding Decrees. And thus it was decreed, on December 16, 1909. Fr. S. CARD. MARTINELLI, Prefect. L. X S. Ph. Can. di Fava, Substitute. SACRED ROMAN ROTA, CALTANISSETTA. - Regarding Patronage, under the blessed reign of Pope Pius X, in the seventh year of his pontificate, the Most Reverend Fathers, Doctors Michael Siani and Frederick Lega, Becanus, Ponens, Gattani, Auditors from Tournon, in this cause regarding Patronage – between the Lords Tinebra and associates, the plaintiffs, represented by the procurator Philip Pacelli, and the Most Honorable Tribunal, as well as the advocate of January 10, and the Lord Maur Turrisi, the Promotor of Justice, convened on January 10, 1910, delivered the following definitive judgment.

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In the land of Delia, in which, by feudal law, the family Lucchisi and Valdina had held rights, the parochial church was elevated to an archpresbytery, by an instrument of October 27, in the year 1689, and the right of patronage was reserved in favor of the Lord Nicholas Anthony Lucchisi and Valdina, and his heirs and successors in the same land, because he had contributed the sum of thirty ounces and fifteen tars to the parochial endowment. Over time, another augmentation to the endowment was added, on July 27, 1797, through the efforts of the Lord Salvator Gravina, Marquis of Delia, who increased the endowment to forty ounces in the aforementioned land, equaling the sum of 510 *librae*. In the year 1881, on June 28, the Lords Grifeo, possessing the land of Delia, sold this land, or estate, of Delia, to the Lords Tinebra and associates, the current plaintiffs, transferring to the purchasers all rights, active and passive, including the right of patronage, without any price being mentioned, and with the obligation to pay annually 510 *librae* to the parochial endowment, or a suitable sum. The patrons, over the course of time, always exercised their right, and never encountered any opposition, until the year 1905, when the Bishop refused to approve a priest presented by the current possessors of the land of Delia for the parochial benefice, and it was deemed advisable to invite the same patrons to...

[*Latin ed. p. 84*]

84 Acta Apostolicae Sedis. - Official Commentary. They sought to demonstrate the legal basis for the patronage rights they claimed. Consequently, the current controversy was referred to this Holy Tribunal for judgment by the Most Blessed Father through a rescript dated February 27, 1909. The Episcopal Curia of Calatanissetta, summoned to appear by the aforementioned Messrs. Tinebra and associates, declared that it wished to have no part in this case, entrusting it to the justice of the Holy Tribunal. Then, acting ex officio, the Promoter of Justice of the Holy Tribunal was summoned to cite Mr. Maurus Turrisi Grifeo, Marquis of Bella, to whom, according to letters issued by the Ordinary of Calatanissetta to the Sacred Congregation of Councils on July 20, 1909, the right of patronage was asserted to belong, as a personal and hereditary right. Mr. Maurus Turrisi Grifeo, duly summoned once and again, having failed to appear, was declared contumacious by decree on July 31, 1909, and by the same decree, the following formula for inquiry was established: "Whether it is established by law that the right of patronage over the parochial benefice of the place of Delia belongs to the aforementioned Messrs. Tinebra and associates in this case." In defining the question, the Most Reverend Fathers of Turno examined the facts as follows: 1. ° In the territory of Delia, a parish had long existed, which, on October 27, 1689, was elevated to an Archpresbytery and the right of patronage was reserved to the Marquis of that territory, because he had contributed a sum of thirty ounces and fifteen tari annually. The Marquis himself had requested

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the erection of the Archpresbytery, reserving the right of patronage for himself, as testified by the instrument: "It was humbly supplicated on your part for the restoration and foundation of the Archpresbytery in that territory, under the same ancient privileges and revenues, so that the inhabitants of that territory may not suffer detriment in the collection of sacred dues, with the reservation that the Archpresbytery shall be for your and your heirs' right of patronage in said benefice perpetually; and We have provided that Bulls be issued in due form. With this provision in mind, to the aforementioned Mr. Nicholas Anthony Lucchisi and Valdina, Marquis of the aforementioned territory, to your heirs and successors in that territory, We grant the right of patronage, etc." 2. ° Another increase in the endowment was made by Mr. Salvator Gravina, who increased the endowment to forty ounces, or 510 Italian libellae. 3. ° It is unknown by what title this person and his family came into possession of the territory of Delia, but it is certain that they exercised the right of patronage. 4. ° In the year 1881, the aforementioned Messrs. Grifeo, to whom the property of Delia had passed, apparently by title of the endowment constituted to the aforementioned Mrs. Agata Gravina, sold the same property, or the entirety of the estate of Delia, to Messrs. Tinebra and associates, with the declaration, or: "The aforementioned sellers declare that they intend to transfer to the buyers, Messrs. Tinebra and associates, all rights and..."

[*Latin ed. p. 85*]

The Roman Rota. Eighty-five services pertaining to real estate or to leases, among which, without any price, is the right of patronage, *ius patronatus*. The Most Reverend Fathers observed that the right of patronage was granted on account of an increase in the dowry.

It is asserted in Decrees 210, n. 5, part 3, volume 1, among the recent decrees, that the right of patronage is not acquired through an increase in the dowry. However, it is stated that if a dowry is lost and a new dowry is acquired, the right of patronage may be obtained, or even through an increase in the dowry, provided that the new dowry exceeds half the value of the original dowry, as is derived from the Constitution *Hadriani VI, Accepto*, and is found in Decrees 514, n. 11, part 13, among the recent decrees.

Cardinal De Luca, in *Summa de iure patronato*, n. 19, states: "And with regard to the restoration of the dowry (which is required for the right of patronage), it must be understood that if the prior dowry is completely lost, then, for the purpose of determining whether the right of patronage exists, the person should be considered as if they had no dowry. The Church can restore the dowry, or make it so that it is in a better condition. For if the dowry is in a worse condition, the Ordinary will deny the right of patronage; therefore, he who provides an increase will be a benefactor, not a patron."

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Whether such requirements were present when the right of patronage was reserved in the instrument of October 27, 1689, is not entirely clear; but the patron, in an oral discussion held on the 8th of the month, challenged the title of prescription, which, without a doubt, has its full force after a period of pious observance of more than two hundred years, and a peaceful observance, as is cautioned in Decrees 210, n. 8, cited above, and explained by De Luca (cited, n. 63 sq.); indeed, a centennial prescription, as commented on by Pitonius, *Alleg. 58, de cont. patron.*, in a case similar to our own, makes it probable that a better title to ownership exists.

Therefore, the Lords Auditors considered that the right of patronage, which was granted to the heirs and successors of Mr. Nicholas Anthony Lucchisi and Valdina, could not be called into question; but they further inquired whether this same right belongs to the parties in this case, who claim it based on the purchase of the property - Delia.

However, it cannot belong to them at all, unless the right of patronage, as a real right, is shown to be inseparably connected to said property. Ordinarily, the right of patronage is presumed to be hereditary, and therefore it is included in the totality of goods and passes with the same, as in Decrees 181, n. 4, p. 18, volume 1, among the recent decrees. Because it is presumed to be hereditary, it is not considered to be of gentile or familial origin, unless this quality is fully and conclusively proven; thus, in Decrees 113, n. 3, p. 5, l. 1, among the recent decrees.

To maintain the quality of gentile origin, from which the right of patronage is derived for heirs and successors by blood, the very petition of the Marquis - Delia, as related in the instrument of erection, can be invoked: "with reservation of the right of patronage for your and your descendants' benefit forever."

However, to exclude any mixture in this case, or any kind of...

[*Latin ed. p. 86*]

86 Acta Apostolicae Sedis. - Official Commentary. preserving hereditary rights and nobility, the patronage is invoked for the heirs and successors in the erection, of said land. Indeed, with the passage of time, patrons are found to originate from various families, exercising the same right, without holding any other title except for legitimate possession of the land - Delia. In the year 1797, the family Gravina, exercising the right of patronage, increased the beneficial dowry, as we have mentioned, and it is not established that the patrons of the Gravina family acquired the right of patronage by hereditary title, nor that they were connected by blood to the testators. Furthermore, from what is narrated in the instrument of sale made to the Lords Tinebra and associates, on June 28, 1881, it appears that the right of patronage passed to the family Grifeo with the land - Delia - assigned, as it seems, in the dowry of Lady Agata Gravina in 1828: it is stated: "By deed of March 27, 1828, the noble Paolo Gravina, Prince of

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Patagonia, Gravina, Princess of Partanna, and through her, Signor Fran-, assigned to his sister Agata to the Illustrious Vincenzo Grifeo, the estate of Delia." However, the particular title of acquisition by purchase does not prejudice the current possessors of the land - Delia, the Reverend Auditors observed, considering the quality of the heir and successor in the instrument of erection, which is not required conjunctively, but disjunctively, so that the quality of the successor or possessor prevails. Indeed, the particle "and" is a grammatical conjunction that, when placed between several nouns, affirms all of them, but does not logically connect them, since each notion retains its distinct meaning; the quality of the successor is related to the heir as a genus to a species. Therefore, in the matter at hand, as noted in Decision 217, nos. 4, 8, and 9, part 6, recent, the conjunction is understood not simply as a conjunction, but as an amplification, so that the legitimate successor in possession of said land - Delia - obtains the right of patronage. And in this sense, in the decision of Pienza concerning patronage, Decision 46, among the recent, p. 9, vol. 1, no. 11, H. S., the Order considered that unless there are signs and presumptions of the quality of the successors concerning nobility... those to whom the concession is made should be understood... as having the right of patronage for the heirs and successors in the real estate of Villa. Even in our case, the presumptions of the quality of nobility precede, as has been noted, and because the concession was made to the heirs and successors in said land, the Reverend Auditors considered, without a doubt, that the right of patronage should be understood as a real right inseparable from the land, and that there should be no mixture of patronage and nobility; for there are signs and indications of a right of patronage that is entirely real and inseparable from the land - Delia, - which are more conclusive and remove all reason for doubt. Indeed, H. S. Order in the cited Pienza, although the concession was made only to the heirs and successors.

[*Latin ed. p. 87*]

87 The Roman Rota, with its assessors, rendered judgment in favor of the real patronage right, because certain advantages of the land and circumstances were considered, namely, that the inhabitants, in the end, derive benefit from the land, based on the purpose of its foundation, its location, and its common reputation (there, no. 11). All these factors clearly apply to our case. Furthermore, the foundation and erection of the Archpriestly Church took place at the instigation of the Marquis Delia, since the Church was located within the boundaries of this land, and this was granted, so that the inhabitants of that land would not suffer detriment in the perception [of tithes]. Consequently, each owner of this land believed that the right of patronage rightfully belonged to them. Another weighty argument, which is not lacking, is derived from the endowment of the Church with goods from the same land, as was considered in Decree 662, no. 19, part. 19,

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vol. 2. The endowment of the local Church of Delia consists of the goods or revenues of that land, as the very instrument of its erection states, referring to the fact that the Church was erected and founded under the same ancient first fruits and revenues, which were newly restored. Therefore, when this land was sold, in the instrument of June 28, 1881, it was stipulated: "The sellers, the Signori Grifeo..., declare that 'various burdens and dues are imposed on it, which are paid to the parish priest.'" And this had already been declared by the judgment of the Tribunal of Vallis Caltanisiadensis of April 27, 1826, stating that the payment of 510 florins was to be understood as constituting the parochial endowment: "above all its free goods, that is, of that land of Delia." Therefore, today, the owners of this land, even if they did not receive the fruits [of the land] due to unfortunate circumstances, would still be obligated to pay the sum of five hundred florins to the endowment of the Church. But, according to rule 5, he who feels the burden must also feel the benefit, and vice versa; and this right of patronage cannot be separated from the land or from the owner of the land, so that it may be attributed to the heir of the founder; otherwise, one would feel the benefit of this institution, and the other would feel the burden. After carefully considering and examining all these matters: Invoking the name of Christ, We, the undersigned Auditors, sitting for the Tribunal, and with only God before our eyes, pronounce, decree, and declare: that the right of patronage legally belongs to the Lords Tinebra and their associates in this case; or, in response to the doubtful proposition, we answer affirmatively. We order that the judicial expenses be compensated, and we decree that they be considered as compensated. Thus we pronounce, ordering the Ordinaries of the place and the officials of the Tribunal to whom it pertains, to order the execution of this our judgment.

[*Latin ed. p. 88*]

Acta Apostolicae Sedis. - Official Commentary. Proceed to chapter III, session XXV concerning the norms of the Holy Council of Trent, and apply to those who are reluctant, the executive and coercive means that will be more effective and appropriate for the circumstances. In Rome, at the Seat of the Tribunal of the Sacred Roman Rota, on the 10th of January, 1910. M. Lega, Dean, Present. L. 1$ S. Gustavus Persiani. D. Fridericus Cattani, Reverend Father Tancredes Tani, Notary. SECRETARY OF STATE. TO THE REVEREND CANON CESARE BOCCOLERI, ARCHPRIEST OF RAPALLI. The Holy Father has received with pleasure the publication of the Sanctuary of Our Lady of Mont'Allegro, which is an expression of the piety of the good people of Liguria for the Most Holy Virgin, and a faithful echo of the graces with which the good Mother so generously responds to the love of her devoted children. His Holiness cordially blesses the aforementioned publication and all those who cooperate in its preparation and dissemination, and is pleased to assure them of a worthy reward in the beauti-

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ful words of the Scripture: "They that explain me shall have life everlasting." I gladly take this opportunity to express my affectionate sentiments to Your Reverence. Rome, 14th of December, 1909. Affectionately, L. £g S. R. CARD. MERRY DEL VAL. TO THE ILLUSTRIOUS ANGEL SAC. FONGOLI, JOSEPH BIANCHINI, JOSEPH MARIAM CROSTAROSA, FRANCISCUM COMITEM CONESTABILE DELLA STAFFA, TO WHOM THE DUTY HAS BEEN ASSIGNED OF GOVERNING "THE CATHOLIC ACTION IN UMBRIA." Illustrious Gentlemen, A pressing need for Catholic action is also felt in Umbria; and the Holy Father was very pleased to learn this from the communication that you...

[*Latin ed. p. 89*]

Secretariat of the State. Your Lordships, called to give life and increase to the Catholic social organization in Umbria itself, with devoted thought, have turned to Him, seeking through the Apostolic Blessing a more secure pledge of God's blessing. His Holiness is pleased with this salutary awakening of consciences to provide for the defense and expansion of the Christian faith and morals, and heartily blesses the Lord, who, while the wicked make the cry of war more threatening, doubles His forces and prepares them more compactly and vigorously for battle and victory. But only he who has legitimately fought will be crowned. And the august Pontiff desires that Your Lordships, especially those who have the mandate to gather and discipline the local Catholic energies, should deeply understand this. Gathering these energies will not be difficult for Your Lordships in this region so full of faith: in this land where a rich heritage of Franciscan traditions still eloquently speaks to the hearts of contemporaries. But gathering only the multitudes is not enough; they must be educated in the Christian life; they must be formed for that popular apostolate which, through the Catholic Action, the Church entrusts to them. Catholics of sterile faith, inactive, or, worse still, Catholics whose actions contradict their faith, will never be useful arms in the great undertaking of social restoration, which, in order to spread effectively, must begin with those who profess to be its apostles. Therefore, let them not be content merely to go to the people; let them above all strive to form their souls in a deeply Christian manner. The Holy Father is confident that the impetus that Your Lordships will give to the Catholic propaganda in Umbria will be such as to ensure practical and lasting results for the good of souls and for the satisfaction of the promoters themselves, who, one day, looking back on the conquests of their apostolate, may, it is to be hoped, be piously gladdened "as those who rejoice in the harvest." And a bountiful harvest, indeed, is promised by the well-known zeal of Your Lordships for the glory of God. To this zeal, His Holiness doubts not that the cooperation of the Umbrian Episcopate will give greater effectiveness, which, aware of the needs of the time, will willingly and harmoniously offer Your Lordships all the support of its high

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authority; and this, in turn, will be an incentive for salutary and constant activity for the clergy and especially for the parish priests of the region. United thus, in the name and in charity of Christ, with Your Lordships, the Bishops and the local clergy, in conformity with the pontifical directives and in full dependence on the four great national Unions, centers of the Italian Catholic movement, will dedicate mind and heart to the organization of Catholic Action in...

[*Latin ed. p. 90*]

Acta Apostolicae Sedis. - Official Commentary. 90 Umbria, which is "a glorious and privileged mother of Saints," will see the Kingdom of God flourish anew within the family and in society. Looking forward with confidence to this joyous future, the august Pontiff imparts the apostolic blessing to the Most Reverend Lords, and with it, He invokes abundant blessings from God upon their persons and works, that these blessings may fructify the labors to which they are about to dedicate themselves, and that they may be a harbinger of prosperous and widespread success. And I gladly avail myself of this opportunity to express my distinct esteem for the Most Reverend Lords. Rome, 3 January 1910. Devotedly, (Signature) S. R. CARD. MERRY DEL VAL. III. TO PETER PEDACE, PRESIDENT OF THE REGIONAL ASSOCIATION OF CALABRIA, REGARDING THE RESTORATION OF A MORE VIGOROUS CATHOLIC ACTION IN CALABRIA. The Holy Father received and read with pleasure the devoted address which Your Eminence, in the name of this Regional Council of the Italian Catholic Youth, sent to Him on the eve of a more energetic resumption of the work of organizing Catholic youth in Calabria. This salutary awakening of Catholic action in this region, where the traces of a not-so-distant catastrophe are still deeply felt, makes the need for a resurrection not only material, but also, and primarily, moral and religious, all the more evident, and opens the heart of His Holiness to the most joyful hopes for the future of a people particularly dear to His paternal heart. The august Pontiff is full of confidence in the help of the Lord, who both mortifies and vivifies, and He trusts in the zeal of Your Eminence and of the members of this Regional Council, and in the docile cooperation of the young people of Calabria. And while, to the former, in order to ensure practical and lasting results for their work, He earnestly recommends constant adherence to the papal directives and in accordance with the larger centers of the national Catholic movement, He exhorts the latter to open their hearts to the voice of the Lord, who, offering them in the desired organization a wider participation in the divine benefits, invites them to grow in age and in grace before God and before men. The episcopate and the regional clergy, conscious of their own mission and of the needs of the people entrusted to their care, will gladly share the labors and merits of this holy apostolate and will also contribute to preparing new generations

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in these desolate lands.

[*Latin ed. p. 91*]

Secretariat of State. 91 [expressions] arising from living and devoutly active faith. To strengthen, meanwhile, the zeal of Your Eminence and of those who assist you in this beneficial undertaking, and to render it fruitful with the fruits of eternal life, the Holy Father imparts the Apostolic Blessing to all, and to each one in particular. And I, pleased to have, with the present communication, fulfilled the honorable task entrusted to me by the august Pontiff, gladly avail myself of the opportunity to express my devotion to Your Eminence. Rome, January 15, 1910. Devotedly, R. CARD. MERRY DEL VAL.

To: HENRY LUCIEN-BRUN, Director of the periodical "REVUE CATHOLIQUE DES INSTITUTIONS ET DU DROIT."

Monsieur le Directeur,

The Holy Father has charged me to express to you the sentiments of great benevolence with which He has received the wishes that you have offered Him, both in your own name and in the name of all the eminent men who participate in the works and congresses of Catholic jurists, and who are your collaborators in the "Revue Catholique des Institutions et du Droit."

The Holy Father is pleased to offer you, on this occasion, the most heartfelt encouragement so that you may continue the work you have undertaken.

In the very grave circumstances in which the Catholic Church in France finds itself, when, unfortunately, legislative power is too often in the hands of those who hold it, and who use it as an instrument of persecution, it is necessary that men, combining inflexible religious principles with a profound knowledge of legal matters, may defend the right which is so often disregarded, and at the very least, enlighten those who make the laws, those who apply them, and those who suffer under them.

The Holy Father, as a pledge of His paternal affection, grants to all of you the Apostolic Blessing.

I beg you, Monsieur le Directeur, to accept the expression of my entire devotion in Our Lord.

January 17, 1910.

R. CARD. MERRY DEL VAL.

[*Latin ed. p. 92*]

Acts of the Apostolic See. - Official Commentary. V. TO THE MOST REVEREND FATHER JAMES CARDONA, TITULAR BISHOP OF SION, REGARDING THE SUM OFFERED TO THE SUPREME PONTIFF. Most Venerable Sir Bishop, With your attentive letter, I have received the offering

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which you send, in your own name and that of the Chaplains of the Army, subject to your delegated jurisdiction, to alleviate the many needs of the Supreme Pontiff, accompanying it most worthily with phrases of the greatest respect and of the deepest devotion. I am charged to give you, in the name of the Holy Father, many thanks for this act of such generous kindness; but I offer you even greater thanks, Sir Bishop, taking advantage of the opportunity to write to you to express my gratitude for the pastoral zeal with which you have worked and continue to work to ensure that the clergy of Castres in Spain are a clergy distinguished by their piety and priestly zeal in the delicate performance of their ministries. It has been very consoling to the paternal heart of His Holiness to learn of the examples of zeal and courage that this clergy has recently demonstrated, in the painful circumstances through which Spain has recently passed. Communicate to them a most special Apostolic Blessing; and deign to accept the sentiments with which it is very pleasing to me to reiterate to you, Your Excellency, your attentive and devoted servant. January 21, 1910. R. CARD. MERRY DEL VAL. VI. TO THE MOST REVEREND FATHER LEON ADOLPH AMETTE, ARCHBISHOP OF PARISIENSEM, REGARDING THE RECENT GRIEF IN PARISIENSEM. Monseigneur, The Holy Father has readily granted to Your Eminence, as I telegraphed to you, the faculty to grant the dispensations that you deem necessary, with respect to the observances that Holiness desired to be observed in France, and She has been pleased to learn the news that they are better in recent days regarding the observance of Lent. But the thought of the grief that afflicts you always fills Her paternal heart with compassion, particularly sensitive to all that concerns...

[*Latin ed. p. 93*]

Secretariat, Status. 93, to your beloved homeland. The magnificent outpouring of charity with which the victims of the floods are being aided has been a source of admiration and consolation to the Holy Father. Your Eminence has given a fine example by overcoming all fatigue to go, in these tragic hours, to be with your people who are so afflicted. In other regions of France similarly afflicted, the first pastors, the clergy, the religious women, and the Catholic associations have been faithful, as in Paris, to the age-old traditions of the Church, which, alongside the accumulated ruins, has always multiplied the wonders of its generosity, its dedication, and its heroism. At the same time, the prayer of expiation which rose from the heights of Montmartre to implore the mercy of the Sacred Heart of Jesus, shone like a celestial light upon the painful circumstances that God had permitted. Moved by this spectacle, and regretting only not having been able to contribute even more extensively to the needs created by such a great disaster, it is with all his heart and with effusion that the Holy Father Pius X grants to you and to your people the benefit of the Apostolic Blessing. I beg you, Monsignor, to kindly accept the expression of my most devoted

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sentiments in Our Lord. February 5, 1910. R. GARD. MERRY DEL VAL.

[*Latin ed. p. 94*]

94 Acta Apostolicae Sedis. - Official Commentary. DIARY OF THE ROMAN CURIA, SACRED CONGREGATION OF THE SACRAMENTS. The written examination for the competition for a minor official position in the Sacred Congregation for the Discipline of the Sacraments, announced on January 19th of the present year, will take place on March 12th.

SACRED CONGREGATION OF RITES. This morning, February 1st, 1910, in the Vatican Apostolic Palace, in the august presence of the Holy Father, the General Congregation of Sacred Rites was held, in which the Most Eminent and Reverend Lords Cardinals, the Reverend Prelates, and the theological consultants comprising the same, discussed and gave their vote on the question of heroic virtues in the Cause of beatification and canonization of the Venerable Francesco Maria Paolo Libermann, founder of the Congregation of the Sacred Heart of Mary.

SECRETARY OF STATE. APPOINTMENTS. The Holy Father, through a note from the Secretary of State and through a Brief, deigned to appoint:

Apostolic Protonotaries ad instar: December 30, 1909. — The Reverend Father Giuseppe Dahl, General Vicar of the diocese of Spira and Rector of the Cathedral Church.

Domestic Prelates: December 22, 1909. — The Reverend Father Pietro Gajani, Parish Priest of S. Martino in Bologna; — Monsignor Paolo Pisanello, Parish Priest of the Assumption at the Frari in Venice, and honorary canon of S. Marco.

January 4, 1910. — The Reverend Father Carlo Braig, Professor of Theology at the University of Friburgo.

January 7, 1910. — The Reverend Father Giovanni G. Mac Cort, formerly Professor of Theology and Fiscal Procurator of the Archiepiscopal Curia of Philadelphia; — The Reverend Father Luca V. MacCabe, Professor of Theology at the Seminary in Philadelphia.

[*Latin ed. p. 95*]

Diarium Romanae Curiae. 95, January 7, 1910. — The Reverend Father Giorgio Bornemann, Rector of the Church of St. Paul in Reading, in the diocese of Philadelphia. January 8, 1910. — Monsignor Giacomo Hodr, Canon of the Cathedral and Episcopal Chancellor of the diocese of Brünn. HONORS: His Holiness, with a letter from the Secretariat of State and with a Brief, has deigned to bestow the following honors: The Order of St. Gregory the Great, civil class, Commander: December 29, 1909. — To Mr. Massimiliano Wallraf, Prefect of KolÃn; — To Mr. Rodolfo Schmidt, President of the railways of the district of KolÃn; — To Mr. Carlo de Weegmann, Chief of Police in KolÃn; — To Mr. Federico Carlo Heimann, Architect of the Municipality of KolÃn; — To Mr. Count Agostino de Galen, Secret Chamberlain of

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Sword and Cape of His Holiness, of the diocese of KolÃn; — To Mr. Baron Massimiliano de Geyr-Schweppenburg, Secret Chamberlain of Sword and Cape of His Holiness, of the diocese of KolÃn. January 10, 1910. — To Mr. Enrico Rillard de Verneuil, Vice-President of the Council of Pilgrimages of the Association of Our Lady of Health, of the diocese of Soissons. The Order of St. Gregory the Great, civil class, Knight: December 30, 1909. — To Mr. Angelo Brunetti, of the diocese of Bologna. January 4, 1910. — To Mr. Gabriele Guignony, Honorary Vice-Consul of France, benefactor of the Catholic Mission in Abyssinia. January 11, 1910. — To Mr. Giuseppe Sjongers, lawyer in Anversa, diocese of Malines. The Order of St. Gregory the Great, military class, Knight: January 4, 1910. — To Mr. Count Ladislao Cziráky of Czirák and Dénesfalva, formerly attached to the Embassy of Austria-Hungary at the Holy See. The Order of St. Sylvester, with plaque, Commander: December 30, 1909. — To Mr. Rodolfo Marschall, Professor, engraver in Vienne. The Order of St. Sylvester, with plaque, Knight: December 29, 1909. — To Mr. Carlo Laach, Director of Railways in KolÃn; — To Mr. Kantz Mattia, Inspector of Police in KolÃn. January 4, 1910. — To Mr. Ercole Grossoni, President of the Circle of the Most Sacred Heart of Jesus in Milano. January 7. — To Mr. Carlo Beccari, Engineer, attached to the office of the Major Custodian of the Holy Apostolic Palaces, Rome.

[*Latin ed. p. 96*]

96 Acta Apostolicae Sedis. - Official Commentary. MAGGIORDOMATO DI SUA SANTITÀ, BY ORDER OF HIS HOLINESS. His Holiness, through a letter from His Most Reverend Monsignor, the Major Domo, has deigned to appoint:

Secret Honorary Chamberlains, extraordinary:

January 5, 1910. — Monsignor Clemente Micara.

January 7. — Monsignor Carlo Bilcih, of the archdiocese of Olmütz; — Monsignor Giovanni Litwinowicz, of the archdiocese of Leopoli.

January 17. — Monsignor Alessandro Carlo de Mahien.

January 18 — Monsignor Gaetano Dattilo, of the diocese of Cosenza.

January 22, 1910. — Monsignor Giovanni Martino De Almeida, Parish Priest of Bello Horizonte (Brazil); — Monsignor Francesco Beziák, of the diocese of Cassovia; — Monsignor Giuseppe Lentzen, of the archdiocese of Colonia; — Monsignor Alberto Meienberg, of the diocese of Basilea.

February 9, 1910. — Monsignor Ilario Zanoni, of the diocese of Verona; — Monsignor Mattia Fischmeister, of the diocese of Budweis.

Honorary Chamberlains in purple cassock:

January 7, 1910. — Monsignor Costantino Kuryllo, of the archdiocese of Leopoli; — Monsignor Carlo Lorenzetti, of the diocese of Massa Carrara; — Monsignor Vincenzo Martinez Gámes, of the diocese of Jaen; — Monsignor Francesco Macioce, of the diocese of Sora.

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January 22, 1910. — Monsignor Giuseppe Alessi Battù, of the diocese of Piazza Armerina.

Honorary Chamberlains of sword and mantle, extraordinary:

January 12, 1910. — The Right Honorable Count Paolo Ceccopieri.

Secret Honorary Chaplains:

January 7, 1910. — Monsignor Agnello Marrazzo, of the diocese of Nocera dei Pagani.

[*Latin ed. p. 97*]

Year II. - Vol. II, February 28, 1910. No. 3, ACTA APOSTOLICAE SEDIS, OFFICIAL COMMENTARY. ACTS OF POPE PIUS X. LETTER TO THE DEAR SON JOSEPH BALLERINI, A PRIEST, FOR WORKS PRESENTED TO THE SUPREME PONTIFF IN DEFENSE OF THE FAITH.

My dear son, greetings and apostolic blessing.

Among the men of Italy distinguished by their intellect and learning within the clergy, you rightly number among them; for you have long devoted much effort, and most useful effort, to the defense of sound philosophy and of the doctrines of the Faith. Your writings, which you have published in accordance with the needs of the times, are praised by many, whether to refute the follies of Socialism, to defend the stability of marriage, or, above all, to refute the most pernicious errors of Modernism. In this regard, there are two works of great importance: one, in which you refute those who, contrary to the principle of reason which gathers causes from effects, deny that God exists, arguing with certainty from the totality of things; and another, in which you present a concise defense of Catholic doctrine for the use of studious youth. Indeed, a volume has now been added to these, which you, as always, have piously presented to Us, in which you demonstrate both the absurd emptiness of these errors and the firm foundations of the Catholic Faith. Therefore, We give you thanks for your pious efforts, We rejoice in the fruits of your wisdom, and We earnestly urge you not to cease from increasing your merits before the clergy and the young through teaching and writing. We bestow upon you, dear son, our most affectionate apostolic blessing, and we pray for the heavenly gifts.

Given at Rome, near St. Peter, on the fourteenth day of February, in the year 1910, in the seventh year of Our pontificate.

PIUS PP. X.

ACTS, vol. II, no. 3. - February 28, 1910.

[*Latin ed. p. 98*]

To the Most Reverend Archbishops and Bishops of the Republic of Mexico, so that, on the occasion of the solemn celebrations of the founding of the Republic, they may strive to stir up the Christian spirit of the people.

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Most Reverend Fathers, greetings and apostolic blessing.

We have learned of your intention to hold solemn supplications, on the occasion of the celebrations that will soon take place in memory of the founding of the Republic, in which due thanks will be given to Almighty God for the benefits conferred upon the state thus far, and divine benevolence will be implored for the future.

This is a most excellent plan, and one entirely worthy of your zeal for the glory of God and your love for the common fatherland; and We cannot but strongly commend and approve it.

But, as you carry this out, We do not wish you to overlook the opportunity that will be presented to you to stir up the Christian spirit of your people.

For the foundation of all the good things that the Mexican people, by divine grace, possess, lies in Christian faith and wisdom; which, as it provides the path for man to eternal salvation, so also, as your history shows, it brings about the greatest benefits for civil prosperity. It is your duty to preserve this heritage, as it ought to be, and to care for it. They will preserve it all the more diligently the more they come to know it. Therefore, We desire not only that, during these holidays, sermons be held everywhere on the precepts and institutions of the Faith, but also that certain works be established permanently, through which the Christian upbringing of the people, especially the young, may be fostered. We are certain that you will not fail to do your part in this important matter.

Above all, you will see to it that your citizens always honor the great Mother of God with the utmost piety; whom they have, in particular, come to know as present and benevolent, especially in the temple of Guadalupe. For, as those rightly proclaim who have merited praise from the Fathers of the Plenary Council of Latin America, "She is the nurse and educator of these peoples in the faith of her beloved Son," and they should understand, through you, that the Mexicans have in her the greatest protection for preserving their ancestral faith.

Furthermore, since it is not enough to profess Christian wisdom unless that profession is consistent with one's life and conduct, it is fitting that, in the supplications that you will hold, you strive to ensure that, after imploring prayers for divine forgiveness for the sins of the people, a solemn pledge be made, on behalf of all, to obey the most holy laws of God, especially with regard to the religious observance of holy days. Indeed, to live rightly and piously...

[*Latin ed. p. 99*]

The acts of Pope Pius X reveal the wonderful aids available to Christians in the august Sacrament of the Eucharist, in which the very source of Christian life is contained. He who draws from it with ardor will surely, little by

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little, reflect the image of Jesus Christ more and more perfectly. Therefore, if you wish your own and the virtues of Christians, both individually and publicly, to flourish, you must not cease to encourage them to frequently attend the most holy Eucharist. Nor should you neglect those institutions of ours which develop the beneficial virtue of the holy Church for all classes of citizens, especially the weaker ones; rather, let your authority and influence be exerted so that these also exist and flourish here, especially those works through which manifold benefits are ministered by Christian charity. Furthermore, in order to more easily restrain the workers and to protect them from the snares of Socialism, you will greatly help them if, uniting their forces, they consult with each other, guided and instructed by Religion. As for the rest, since morals are most corrupted by the excessive license of writing and the depravity of spectacles, you must not merely denounce the danger, but strive with all your might to ensure that only those who safeguard chastity and observe Religion are supported in both of these areas. And concerning newspapers and books, as they are called, periodicals, may all good men strive with all their might to ensure that writings of this kind truly provide what is Catholic to Catholics; certainly, there is nothing that we believe to be of greater importance today. To you, Venerable Brothers, we have given these admonitions for some time; if you, with the diligence of your pastoral office, strive to bring them to fruition, then the solemnities of this Mexican nation will not lack the best fruits. In the meantime, as a witness of the heavenly gifts and of Our benevolence, we impart to you and to the entire Mexican people our apostolic blessing with paternal love. Given in Rome, at St. Peter's, on the 23rd day of February, 1910, in the seventh year of Our Pontificate. PIUS PP. X.

[*Latin ed. p. 100*]

Acts of the Apostolic See. - Official Commentary. 100. SACRED CONGREGATION OF THE HOLY OFFICE (SECTION ON INDULGENCES). On February 17, 1910. His Most Holy Lordship Pope Pius, by the divine Providence, Pope X, in an audience granted to the Reverend Father, Assistant of the Holy Office, benignly granted, for all time, without any brief, to all the Christian faithful who, with at least a contrite heart and with devotion, recite the following prayers with the verses and the prayer in honor of Saint Raphael the Archangel, the indulgence of three hundred days, applicable also to the deceased, once a day. Notwithstanding any contrary provisions. Aloisius Giamben[1], Substitute for Indulgences. PRAYER TO THE ARCHANGEL SAINT RAPHAEL FOR EMIGRANTS. I. - O Archangel Saint Raphael, who were a faithful companion to the young Tobias on the long journey from Syria to Naila, protecting him from so many dangers, and especially from the danger of death, which he encountered in the river Tigris, we implore you with all our hearts, be a sure guide and consoling angel to our loved ones on the long journey they

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must undertake to reach foreign lands; keep them far from all dangers of soul and body, and may they safely reach the desired port. - Glory be to the Father, etc. II. - O Archangel Saint Raphael, who, having arrived in Naila, bestowed the most remarkable favors upon the young Tobias, going yourself to the city of Rages to collect the money from Gabello; causing him to find in Sarah, freed from the slavery of the demon, a worthy consort, and enriching him with worldly goods; we humbly implore you, watch over our loved ones who are in foreign lands; also with them be generous with your heavenly protection, and...

[*Latin ed. p. 101*]

Sacred Congregation of the Holy Office. 101, so that they may dedicate their labors to the good of our beloved families, and be preserved from so many snares that will be laid for their souls, that they may preserve the precious treasure of the faith; and let them always conform their conduct to this. Glory be to the Father, etc. III. – O Archangel St. Raphael, who, faithful to your mission, safely brought the young Tobias back to Syria, filling his house with benefits and graces, and even restoring the sight to the blind father, deign to accomplish your work for the benefit of our dear emigrants. Restore them in due time, safe and sound, to their beloved families, and may their return be a source of consolation, of prosperity, and of every most excellent blessing; and we also, like the family of Tobias, after having thanked you for all your solicitous care, will join with you in praising, blessing, and giving thanks to the Giver of all good things. And so it shall be. – Glory be to the Father, etc. f. Now pray for us, Archangel Raphael. R.) That we may be made worthy of the promises of Christ. LET US PRAY. O God, who gave blessed Raphael, the Archangel, as a companion to Tobias, your servant, on the way: grant to us, your servants, that we may always be protected by his guardianship and strengthened by his help. Through Christ our Lord. Amen.

[*Latin ed. p. 102*]

Acta Apostolicae Sedis. - Official Commentary. 102. SACRED CONGREGATION CONSISTORY I. CONCERNING THE ADMISSION OF POLISH PRIESTS INTO THE DIOCESAN CLERGY OF THE UNITED STATES OF AMERICA. In the past year, the Bishop of Superior inquired of this Sacred Consistory whether the instruction issued by the Sacred Congregation for the Propagation of the Faith on February 25, 1896, addressed to the Reverend Ordinaries of the United States of America, and subsequent to the Constitution *Sapienti consilio*, was still in force, or not. The aforementioned instruction reads as follows: "No priest, nor candidate for the ecclesiastical state, originating from Poland, even if he has migrated from Italy or another diocese, shall be admitted into the diocesan clergy, unless he presents testimonial letters from this Sacred Congregation, in which it

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clearly appears that he has the legitimate faculty to leave the diocese, that he enjoys immunity from censures, and that he possesses good morals." Therefore, the purpose of this inquiry to the Sacred Congregation was to determine whether, after the Constitution *Sapienti consilio*, the instruction of the Sacred Congregation for the Propagation of the Faith of February 25, 1896, concerning Polish clergy migrating to the United States of America, should still be considered valid. After mature deliberation, the Most Reverend Fathers, in a general meeting on December 9, 1909, judged that the following should be the response: "After the Constitution *Sapienti consilio*, adherence should be given to the decrees of the Sacred Congregation of the Council." Subsequently, His Holiness, through the Most Reverend Secretary, ratified and confirmed the resolution of the Most Reverend Fathers. The decrees to which mention is made in the resolution above are these: the decree of November 14, 1903, concerning clerics proceeding to America and the Philippine Islands; the decrees of July 20, 1898, and November 24, 1906, concerning the excardination and sacred ordination of clerics and laity; and finally, the decree of December 22, 1905, concerning students in seminaries. The aforementioned decrees in their entirety. J. - Decree of November 14, 1903, concerning clerics proceeding to America and the Philippine Islands. See Acta Apostolicae Sedis, 1, 1, p. 692.

[*Latin ed. p. 103*]

Sacred Congregation of Councils. 103 II. – CONCERNING THE EXCARINATION OF CLERICS FROM THEIR OWN DIOCESES AND THEIR INCARDINATION IN OTHERS, AND CONCERNING THEIR ORDINATION. From the earliest centuries of the Church, several Holy Councils decreed that no one should be ordained except by his own Bishop. Furthermore, as is stated in the law, which was first established by Boniface VIII in the Sixth Decree, chapter "Cum nullus," concerning the time of ordination, "in this case, the Bishop is understood to be the one from whose diocese the person is who desires to be promoted to the Orders, whether he is 'oriundus' (native), or whether he holds an ecclesiastical benefice in that diocese, or whether he has his 'domicilium' (residence) in that same place," even if he was born elsewhere. Subsequently, as custom prevailed, Bishops would initiate into the sacred ministry those who were related to them, even if they were from another diocese, and the Holy Council of Trent, in its 23rd session, chapter 9, concerning reforms, approved of this, under certain conditions. Thus, in addition to the three previous grounds – origin, domicile, and benefice – by which a Bishop had the right to promote someone to the Orders, a fourth was added, namely, kinship. When disputes arose concerning these grounds, Pope Innocent XII, in his Apostolic Letter beginning with the words "Speculatores," dated November 4, 1694, determined and established the meaning and extent of these grounds, so that anyone might legitimately

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become subject to a particular Bishop and be validly ordained. This Constitution was then regarded as the supreme law, and it resolved all questions. – However, in our times, frequent opportunities for new controversies have arisen. In many places, it has become customary for clerics who wish to leave their own diocese and establish themselves in another to request an "excardination," that is, a complete and permanent dismissal from their own Ordinary; and after obtaining this, they request "incardination," or admission, into another diocese, so that, by this very act, they may become subjects of the new Bishop and be admitted to receive further Orders. This method of procedure, when applied with caution and prudence, has proceeded without complaint, but in some places, where the necessary precautions were lacking, it has often opened the way to controversies and abuses. Therefore, the Most Holy Fathers of the Council, after maturely considering all matters, have decided that the following should be established by this general decree: 1. Excardination is not to be permitted except for just causes, and it is not to take effect unless incardination in another diocese is demanded. 2. Incardination is to be granted by the Bishop in writing, absolutely and perpetually, that is, without any conditions, either expressed or implied.

[*Latin ed. p. 104*]

+ 104 Acta Apostolicae Sedis* Official Commentary. Subject to tacit limitations; thus, a cleric of a new diocese is entirely bound, provided that the necessary safeguards are observed. Speculators, under oath, shall proceed in a manner similar to that prescribed for acquiring a domicile. 3. This incardination cannot be granted unless it is first established by legitimate documents that the cleric in question has been permanently dismissed from his former diocese, and that he has also obtained, under seal, from the bishop who dismissed him, if necessary, testimonies concerning his birth, life, morals, and studies. 4. Those thus assigned may indeed be promoted to the Orders. However, no one should be hastily ordained, and the bishop must, in each case, consider whether, after careful consideration of all circumstances, the assigned cleric is such that he can safely be ordained without further testing, or whether, rather, it is more appropriate to test him for a longer period. And they must remember that, just as "no one should be ordained who is not useful or necessary to his Church, according to the judgment of his bishop," as stated in chapter 16, session 23, on reform, by the Council of Trent; so, likewise, no new cleric should be admitted unless for the necessity or benefit of the diocese. 5. Regarding clerics of different languages and nations, bishops must proceed more cautiously and strictly in admitting them; and they should receive none unless they have first requested and obtained, in secret, a favorable report from their respective Orders concerning their life and morals, a matter of grave concern for the bishops' consciences. 6. Finally, with regard to laymen, or even with regard

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to clerics who cannot or do not wish to avail themselves of the benefit of incardination, the provisions of the Constitutions regarding Speculators must be observed, which, notwithstanding the present decree, must always remain valid and firm. Having reported all of this to Our Most Holy Father, His Holiness has deigned to approve and confirm the resolution of the Fathers with paternal benevolence, to the exclusion of anything to the contrary. Given at Rome, from the offices of the Sacred Congregation, on July 20, 1898. A. CARD. DIPIETRO, Prefect. L. % S. Beniaminus, Archbishop of Nazianzus, Pro-Secretary.

[*Latin ed. p. 105*]

Sacred Congregation of Bishops. 105-. III. – ON THE EXCARINATION AND INCARDINATION OF CLERICS, AND ON THEIR SUBSEQUENT ORDINATION. By Decree of July 20, 1898, which begins "A primis," the Fathers of the Council, with the approval of the Most Holy Pope Leo XIII, regarding the excarination and incardination of clerics, and their subsequent ordination, decreed the following: "1. ° It is not permitted to grant excarination except for just causes, and its effect is not to be considered complete unless followed by incardination," etc. But in many places, the custom had long prevailed of issuing certain letters, almost as if they were excarination letters, or letters of disincorporation or release, which were also given to laymen, in almost the same manner as was customary for clerics: by which letters the Bishop of the place of origin would release a layman from his diocese, and seemed to cede the natural right by which he could have transferred him to the clerical state to another Ordinary; and in turn, this Ordinary receiving him would freely consider him as his own subject, and as such, could freely promote him to the first tonsure and to the Holy Orders, without him being subject to him either by reason of domicile or by reason of familiarity, according to the prescriptions of the Constitution *Speculatores*. Furthermore, after the promulgation of the decree "A primis," there began to be discussions about the legitimacy of this practice, and several doubts on this matter were brought to the Holy See. Therefore, at the mandate of the Most Holy Father, this question was examined once and again in this Sacred Congregation, and finally, on September 15, 1906, the Fathers judged that, if His Holiness approves, the aforementioned letters, by which laymen are released from their own diocese, may be granted by the Ordinaries, so that by their force, a cleric may become the proper subject of the benevolent receiving Bishop, and may be promoted by him to the clerical tonsure and to the Holy Orders; provided, however, that: 1. ° The release is granted in writing by the "proper Bishop for a just cause, and for a specific diocese." 2. ° The acceptance is not to be made except with the rules observed for clerics to be incardinated, as stated above in numbers II, III, IV, and V; and also with the Decree "Vetuit" of December 22, 1905, regarding students dismissed from Seminaries. 3. ° But

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the oath required by the Constitution *Speculatores* must be given before the clerical tonsure. However, since the obligation to remain in a diocese that is not one's own, and to serve it perpetually, cannot be undertaken without difficulties and dangers before a more advanced age, care must be taken by Bishops not to admit to the clerical tonsure those who are not of a more advanced age.

[*Latin ed. p. 106*]

Acts of the Apostolic See. - Official Commentary. 106. Concerning these matters, a report was presented to His Holiness, Pope Pius X, by the undersigned Secretary, on September 16, 1906. His Holiness approved and confirmed the deliberations of the Fathers, and ordered that they be promulgated by letter from the Sacred Congregation, so that they may be binding on all to whom the law and regulation apply, notwithstanding any contrary provisions. Given in Rome, on November 24, 1906. CARD. VINCENTIUS, Bishop of Praenestinus, Prefect. C. De Lai, Secretary. IV. - CONCERNING SEMINARY STUDENTS WHO, HAVING BEEN DISMISSED FROM THE SEMINARY, SEEK ADMISSION TO ANOTHER. The Council of Trent forbade those who have been prohibited by their Bishop, even outside of the formal judicial process, from ascending to the sacred orders, or from exercising the orders they have already received. Thus, in chapter 1, session 14, concerning reform, it is decreed: "It is more honorable and safer for a person to serve in a lower ministry, by duly obeying his superiors, than to seek a higher position with the scandal of superiors; therefore, to him to whom access to the sacred orders has been forbidden by his prelate, for any reason, even for a hidden crime, in any way, even outside the formal judicial process, or who has been suspended from his orders or degrees or ecclesiastical dignities, no permission shall be granted, against the will of his prelate, to advance himself, or to be restored to former orders, degrees, dignities, or honors." Since this general law also applies to students in seminaries, if any of them, whether clerics or not yet initiated into the clerical state, are dismissed from the pious institution because they do not show certain signs of vocation, or do not appear to be endowed with the qualities required for the ecclesiastical state, they certainly ought, according to the grave warning of the Sacred Council, to submit to and acquiesce in the judgment of their pastor. But, on the contrary, it often happens that those dismissed from the seminary, considering the judgment of those in charge to be of little value and confident in their own opinion, nevertheless strive to ascend to the priesthood. They therefore seek another seminary, in which they may be received, to complete their course of studies, and finally, by presenting some less or more sincere and legitimate title of domicile or registration, they attain ordination. Having entered the sanctuary by an improper path,

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it often happens that they are of little benefit to the Church.

[*Latin ed. p. 107*]

The Congregation Consistorial [regarding seminaries] addresses the following matter: Both Ordinaries, both of the place of origin and of the place of ordination, are often greatly and stubbornly vexed by the fact that it is permitted for them to return only for Christmas, and to remain there, abandoning the diocese in which they were ordained, and the diocese they desire, for the sake of which no consideration is given, or for whose necessity or benefit no provision is made, where indeed their presence is useless, and sometimes even harmful; hence, Bishops are plunged into grave difficulties. For these reasons, the Bishops of several provinces have met together, deciding that no one shall be admitted to their seminaries who has previously been dismissed from his own diocese. But since this particular agreement was not fully sufficient, several Ordinaries petitioned the Holy See to enact a general law that would eradicate this evil at its root. Therefore, having considered these matters, and having carefully examined all that pertains to the matter, the Most Holy Pope Pius X, to whom it is most dear to preserve the integrity of ecclesiastical discipline, and to remove from the sacred office anyone who is not of the highest character, and with the agreement of the Most Reverend Fathers of the Holy General Council in the Congregation held on December 16, 1905, by these present letters, establishes and decrees the following:

1. Henceforth, no Ordinary of one diocese shall admit to his seminary any cleric or lay person from another diocese, unless he has first obtained and learned, by secret letters, from the Bishop of his own diocese, whether this person has previously been dismissed from his seminary. If it is established that this is the case, without judging the reasons, or determining whether another Bishop acted justly or unjustly, he shall deny admission to his seminary to the person requesting it.

2. Those who have been admitted in good faith, because they have not disclosed that they were previously in another seminary and were subsequently dismissed from it, shall be immediately admonished to leave, as soon as this condition of theirs is known. If they wish to remain, and if the Ordinary permits it, they shall remain attached to that diocese, observing, however, the canonical rules for their incardination and ordination; but they shall be prohibited from returning to the diocese from which they were dismissed, and from establishing a permanent residence there.

3. Similarly, those who, after being dismissed from a seminary, enter a religious institute, and who, after being initiated into the sacred mysteries, leave that institute, are prohibited from returning to the diocese from which they were dismissed.

4. Those who have been dismissed from a religious institute shall not be admitted to a seminary, unless the Bishop has first requested, by se-

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cret letters, from the superiors of that institute, information regarding the morals, character, and disposition of those dismissed, and it is established that there is nothing in them that is less suitable for the priestly state.

[*Latin ed. p. 108*]

Acts of the Apostolic See. - Official Commentary. 108. Furthermore, let the Bishops remember that it is not permissible for them, by their own authority, to impose a name upon anyone who is not subject to them in that manner, and with one of those titles which are established in the Constitution *Speculatores* of Innocent XI and in the decree of the Holy General Council which begins with the words "A primis." And likewise, no one can be ordained on July 20, 1898, who is not useful or necessary for the Church or for the pious institution for which he is chosen, according to the prescriptions of the Holy Tridentine Council in chapter 6, session 23, concerning reform. His Holiness desires that these statutes and all the precautions added to the sacred canons in this very important matter be observed by all Ordinaries without exception; and He commends this to their consciences and to their utmost diligence. The present enactments are valid notwithstanding any contrary provisions. Given in Rome, on December 22, 1905. CARDINAL VINCENT, Bishop of Praenestinus, Prefect. L. © S. C. De Lai, Secretary. II. REGULATION CONCERNING THE LIMITS OF DIOCESES. REGARDING THE ISLAND OF SAN HONORATO. A question has recently been brought before the Sacred Congregation Consistorial regarding the detachment of the island of San Honorato from the diocese of Foro Juliense and its addition to the diocese of Nicene. After all matters have been considered, and after the same have been faithfully reported to His Holiness by the Eminent Cardinal Secretary in an audience on February 18, 1910, it has been decreed, at His command, that the island of San Honorato, without any alteration whatsoever, shall remain with the diocese of Foro Juliense as before, and that the same diocese shall perpetually retain it as part of its territory. February 22, 1910. Charles Perosi, Substitute. III. APPOINTMENTS OF BISHOPS. By decree of the Holy Congregation Consistorial, the following Bishops have been appointed: January 31, 1910. - The Most Reverend Apollonius Maggio, Archpriest of the city of Schio, in the diocese of Vicentinae, to the titular episcopal see of Lystra (Lystri).

[*Latin ed. p. 109*]

Session of the Conciliar Congregation. February 10, 1910. - Reverend Father Angelus Alphonsus Maria Ettinger, monk of the Order of Saint Benedict, Abbot of the archabbey of Monte Cassino, and Abbot of the nullius diocese of Cavensis (SS. Trinità della Cava dei Tirreni), February 15, 1910. - Reverend Father Augustinus Cattaneo, Vicar General and Canon of the cathedral church of Cremensis (Crema), to the episcopal see of Guastallensem (Guastalla), February 17, 1910. - Reverend Father

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Ioannes Iosephus Nilan, to the episcopal see of Hartfordiensem (Hartford) in the United States of America, February 22, 1910. - Reverend Father Petrus Zanolini, professor of moral theology in the seminary of Patavino (Padova), to the episcopal sees of Fabrianensem and Mathelicensem (Fabriano and Matelica), GERUNDEN (Gerona). DOUBTS REGARDING THE INDULGENCE OF THE HOLY CROSS. On January 22, 1910, the Bishop of Gerona recently proposed a doubt to be resolved concerning the indulgence of the Holy Cross to the Sacred Congregation, and submitted several points for a clearer understanding of the doubt. It is best to quote his own words, which are as follows: "Your Eminence, the Cardinal Prefect, Apostolic Commissary for the Holy Cross in Hispania, on May 15, 1889, presented a petition to Your Holiness, as follows: '1. The petitioner and all his predecessors in the same office have consistently maintained, without opposition from the Bishops, and indeed with their approval, that the poor and laborers may lawfully consume meat on days prohibited by fasting by obtaining the Indulgence of the Holy Cross, except for the indulgence of meat, which they can obtain through the recitation of prayers. '2. Some theologians, and among them preachers of the divine word, interpreting the matter differently from the Apostolic Commissary, and therefore dissenting from the opinion and practice of the Commissary, believe that the poor, laborers, and others of a similar condition, do not require either the plenary Indulgence of meat or the Indulgence of the Holy Cross, and that they are dispensed for both."

[*Latin ed. p. 110*]

110 Acta Apostolicae Sedis. - Official Commentary. Mario considered prayer sufficient. Therefore, Emus, the Orator, deemed it opportune to submit the opinion and practice of the Commissary to the supreme judgment of the Holy See, which he did, also concurring with the votes of many Bishops through the aforementioned petitions. "With these petitions, Emus, the Secretary of State of His Holiness, responded in a letter of March 12, 1890, as follows: "To the Commission of Cardinals of the Sacred Congregation for Extraordinary Affairs, concerning the following question: Whether the poor and workers are obligated to give alms in order to be able to enjoy the privileges of the Bull of Indulgence." The Cardinals responded: "Nothing is to be changed." Subsequently, Emus, the Secretary, added: "Your Eminence will know that, from this decision, which has also been approved by the Most Holy [Pope], any other opinion has been rejected, and the practice followed up to now by the Generals of the Holy Cross has been confirmed." "The Bishops, together with the General Commissary, considered that the decision given by the Cardinals was in the sense that was clearly stated by Emus, the Secretary, and so they declared it, by making known in their dioceses the complete response of the Secretary himself, on the occasion of the preaching of the Bull for the year 1891. "Nevertheless, there are

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theologians who still hold and teach, even in books, that a contrary opinion is probable, contrary to the opinion and practice of the Apostolic Commissary. Perhaps they do not notice, as they ought to, the declaration of Emus, the Secretary, responding ex officio to the petitions presented to His Holiness, by which declaration the meaning of the decision becomes clearer than the midday sun. "Having accepted the governance of this diocese, I have found priests of outstanding virtue and knowledge, some supporting the opinion of the Commissary, while others adhere to the contrary opinion, even after the aforementioned decision. In recent years, in this very diocese, the revenue of the Bull has begun to noticeably decrease, and it is still decreasing, to the detriment of the divine cult and of the poor themselves. I fear that lax doctrine on this matter may be one of the more effective causes of this lamentable diminution. In view of all this, I reverently and earnestly request of the Commissary, and of any other who may be concerned, the following: Whether, given the opinion of the Apostolic Delegation, especially after the Holy See's judgment or practice concerning the Bull of Indulgence, excluding the aforementioned decision, the opinion and practice of the Commissary should be held and followed." OPINION OF THE CONSULTOR. - The Bishop of Gerona requests a solution to the doubt concerning the Bull of Indulgence from the Sacred Congregation. The substance of this doubt lies in the fact that it is to be known whether the poor, in order to enjoy the privilege of the quadragesimal Indulgence in Spain, by virtue of which they are dispensed from fasting (except on certain days), are obligated...

[*Latin ed. p. 111*]

I. The Holy Congregation of the Council. It is asked whether those who can eat meat are obligated to take the Bull of the Holy Cross, paying the alms assessed by the Commissary of the Holy Cross. The basis of this doubt is that the Indult of Lent, granted by Pius VII, and subsequently extended by Pius IX and, most recently, by Pius X during his blessed reign (January 22, 1907), requires, in order to enjoy the privilege of the Indult, that a certain alms be paid to the poor, as assessed by the Commissary of the Holy Cross, and furthermore, that the same individuals take the Bull of the Holy Cross, paying another alms specifically for the Bull of the Holy Cross, as determined by the same Commissary; thus, for the wealthy, the Indult of Lent is, in its value, dependent on the acceptance of the Bull of the Holy Cross, so that they cannot, therefore, enjoy the privilege of eating meat unless they expend a double alms in pious works (according to the terms of the Concordat of 1851). Furthermore, Pope Pius VII, and other Pontiffs who extended the Indult, wished that the poor be exempt from the obligation of paying the alms, and nevertheless, that they enjoy the favor of the granted Indult through certain prayers recited to God, according to the intention of the Holy See. Indeed, the Commissary of the Holy Cross

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is accustomed to interpret the Indult of Lent in such a way that the poor, who are described in the Indult, are indeed exempt from the obligation of taking the Indult with a payment of alms, but are not relieved of the obligation of giving alms for the Bull of the Holy Cross. On the contrary, many Spanish authors of moral theology either defend, or at least hold as truly probable and practically safe, that the poor, reciting the prayers according to the intention of the Holy See, have fulfilled all their duties, and are not obligated, in order to enjoy the Indult of Lent, to give the alms assessed for the Bull of the Holy Cross. The Bishop of Gerona, adhering especially to the decision of the Commissary, has communicated this, through letters from the Most Eminent Secretary of State (March 12, 1890), and therefore requests that the following doubt be declared by the Holy Congregation: "Whether, considering the aforementioned opinion, or the practice constantly followed by the General Commissary of the 'Apostolica Sancta Cruciatae,' excluding any other opinion, especially after the aforementioned decision, this practice should be held and followed." The Most Reverend Bishop of Gerona believes that an affirmative answer should be given to the proposed doubt; and he requests that such an affirmative answer be given by the Holy Congregation; and he confirms his judgment and request: 1. ° based on the opinion and practice in force within the Commissary of the Bull of the Holy Cross; 2. ° based on the fact that he believes that this practice is confirmed by the response contained in the letters of the Most Eminent Cardinal Secretary of State; 3. ° based on the evils that would follow from a contrary doctrine, which is widely defended by theologians of our time. These foundations must be examined somewhat, and arguments contrary to the opposing opinion must be presented.

[*Latin ed. p. 112*]

Acta Apostolicae Sedis, - Official Commentary. In the first place, it cannot be denied that the Commissary of the Crusade consistently held the opinion that the poor, in order to enjoy the benefit of the Lenten Indult, were required to give alms according to the amount specified by the Crusade Bull, and that, according to this opinion, he promulgated his edicts in execution of the aforementioned Indult (cf. such edicts in Hernaez, Coleccion de Bulas, volume I, pages 853 and following). However, this opinion and practice of the Commissary of the Crusade, as admitted by the Bishop of Gerona, did not prevent theologians from holding a contrary opinion, and indeed, rightly so. For the Commissary of the Crusade is not constituted as an interpreter of the Pontifical Indult, but merely as its promulgator and executor: "You shall see to it that these Our Letters are made public and come to the knowledge of all, that they are observed with appropriate remedies, and that you provide for the alms to be given by the wealthy, according to what you collect separately from them in the Lord, and furthermore, beloved Son, we entrust to you, as it seems expedient, the

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support for the poor: that you establish funds, relieve the needy, and provide solace to the poor..." Now, the executor of the Pontifical Indult does not have the authority to authentically interpret it and to obligate others to accept the interpretation given by him; therefore, it is not surprising that, despite the interpretation of the Commissary, theologians held a different view, and therefore, the interpretation of the Commissary does not invalidate the interpretation of these theologians, if that interpretation is based, either certainly or at least with solid probability, on the text of the Indult. But the Bishop of Gerona adduces another argument, based on the fact that the Cardinal Commissary of the Crusade Bull, on May 15, 1899, presented to the Holy See the opinion and practice prevailing in the Commissary, which was contrary to the opinion of many theologians, and submitted the aforementioned practice of the Commissary to the supreme judgment of the Holy See. In response to the prayers of the Eminent Commissary, the Eminent Secretary of State replied in a letter of March 12, 1890, as follows: "To the Commission of Cardinals of the Sacred Congregation "for extraordinary ecclesiastical affairs," concerning the following question: "Whether the poor and workers are required to give alms in order to be able to enjoy the privileges of the "Crusade Bull": The Eminent Fathers replied: "There is nothing new." Then, in the same letter, it is added: "Your Eminence will know that, from this decision, approved even by the Most Holy, any other opinion has been rejected, and the practice that the General Commissaries of the Holy Crusade have followed up to now has been confirmed." From this response, it seems to follow that the practice of the Commissary of the Crusade was no longer subject to merely a private opinion of the Commissary, but that this opinion was authentically declared to be the only one to be held, excluding the contrary opinion. But the alleged response, since it does not pertain to the question proposed today, in no way confirms the argument above. Indeed, the Eminent Fathers.

[*Latin ed. p. 113*]

Sacred Congregation of the Council. In response to the aforementioned question, they declared: "Nothing is to be innovated" (the meaning of which need not be debated here), regarding the following question: "Are the poor and laborers obligated to give alms in order to enjoy the privileges of the Bull of the Cross?" However, the present question is: "Are the poor and laborers obligated to pay alms for the Bull of the Cross (not 'in order to enjoy the privileges of the Cross,' but) in order to enjoy the privilege of the Quadragesimal Indult?" This Indult expressly exempts the poor from the obligation of paying alms and prescribes certain prayers to be recited in place of the alms. These two questions are entirely different and independent, just as the privileges of the Bull of the Cross and the Quadragesimal Indult are different and independent. Indeed, the Bull of the Cross was first granted to Spain by Urban II (in the year 1089), and

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then by Julius II, Paschal II, and other subsequent Holy Fathers, and it contains privileges similar to those granted to soldiers on expeditions undertaken to recover the Holy Land; in particular, it contains spiritual graces, and with regard to the use of prohibited foods, it does not grant the consumption of meat on days of fasting except in the case of infirmity and with the advice of both a spiritual and a medical doctor. But the Quadragesimal Indult, by which the use of meat on days of fasting is simply granted (with a few exceptions), was first granted for three years by Pius VI (in the year 1775) and, for entirely different reasons, namely, due to the scarcity of foodstuffs with which Spain was suffering at that time, due to the interruption of maritime commerce; although later, by Pius VII and other Holy Fathers, even after that cause had ceased, it was renewed until our time, at the petition of the Catholic King. Hence, it is clearly evident that whether the poor are obligated to pay anything, whether in order to enjoy the privileges of the Cross or to avail themselves of the favor of the Indult, are two separate questions, each of which must be resolved according to the terms of the respective document. Moreover, it does not seem to be possible to deny, with solid foundation, that even the poor themselves may be obligated to pay something in order to be able to enjoy the privileges of the Cross, since the Bull itself universally and without distinction imposes this obligation: "We grant and concede that those of both sexes... who, within one year from the customary publication of these letters, spontaneously contribute alms to the Archbishop of Toledo, in the office of the General Commissary, and to the executor of these letters, for the various degrees and conditions of said faithful, and for the aforementioned pious purposes, may enjoy the graces, favors, and privileges, which we will soon declare; and from the aforementioned executor, a summary will be prepared, which each of the aforementioned faithful must receive, noting the privileges, favors, and graces."

[*Latin ed. p. 114*]

Acta Apostolicae Sedis. - Commentarium Officiale. 114 « perfui queat ». Hoc locum indicat manifeste quod, ut quilibet fidelis possit frui beneficiis, est conditio ut sit receptus summarius et ut sit data eleemosyna taxata. Conforme ad tenor Bullae, Commissarius Cruciatae solitus est, pro diversa conditione fidelium, diversas determinare taxas solvendas, quarum minima vel ipsis pauperibus, qui volunt privilegiis Bullae frui, debet esse solvenda. Si talis obligatio in pauperibus fuit negata vel in dubium revocata, merito Sacra Congregatio responsum dedit « nihil esse innovandum », quo praxim Commissariae probavit et contrariam ipsi sententiam excludit. Non est allegatum, quia illud responsum ab aliquibus forte est factum; unde publici iuris adhuc de obligatione illa pauperum, sed in praesenti quaestione, non sunt auctoribus aliqui dubii manentes. Quoniam est sermo de conditione ad lucrandum Cruciatae privilegium, quod unum

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continetur in dubio, resolutioni Sacrae Congregationis proposito, illud responsum inutiliter ad nostrum casum illustrandum allegatur. Reliquum ergo est, ut ad dignoscendas conditiones pro lucrando privilegio Indulti quadragesimalis requisitas, Indulti unice attendatur. (Cfr. textum ad tenorem huius alterius apud Gury-Ferreres, Theol. mor. vol. II; pag. 790; editio 4, anni 1909). Iam vero hoc Indultum obligationem duplicis eleemosynae erogandae divitibus imponit; pauperes, quos divitibus contraponit et quorum conditionem accurate describit, ab onere "duplicis eleemosynae expresse liberat, et nihilominus, recitatis certis precibus, privilegio indulti frui posse declarat; en verba: « Hic repetimus « quod iam Litteris nostris superioris anni indicavimus, illos scilicet qui « hac indulgentia nostra uti optent, obligari ad certam aliquam eleemo« synam, uniformiter habita ratione cuiusque conditionis taxandam, ac « praeterea ad aliam quae pro bulla Cruciatae indici atque exigi solet: « qua duplici eleemosyna minime persoluta, nemo sibi putet has Litteras « nostras sibi suffragari. Quod onus quidem divitibus imponere intendimus, « nullo autem modo pauperibus....: quos quidem omnes, certis ad Deum « precibus iuxta nostram mentem pie recitatis, omni officio defunctos « esse decernimus ». Iam dare in hoc documento onus impositum divitibus in toto orationis contextu est onus duplicis eleemosynae, a quo onere eximuntur pauperes, quos insuper ulterius dicitur loco eleemosynae teneri ad recitandas certas preces, ut Indulti privilegio fruantur, illisque recitatis, omni officio functos esse decernitur. Cum haec videatur clara et legitima Indulti interpretatio, nihil mirum quod plerique magnae notae A.A. Theologiae moralis pauperes ab omni onere taxae solvendae liberos declarent, quo privilegio Indulti frui possint; nec ab ea sententia dimoveri potuisse ex praxi contraria Commissarii, qui cum Sede Apostolica.

[*Latin ed. p. 115*]

Sacred Congregation of the Council. The authority in Rome responsible for the execution of Indulgences, dated [date], declares: "An interpreter, even if officially appointed, cannot obligate others to follow his interpretation, especially if it is not in conformity with the Indulgence itself."

Therefore, considering the lengthy catalogue of authors who favor a more lenient interpretation concerning the poor, and given that this is admitted in the prayers offered by the Most Reverend Bishop of Gerona, I offer my opinion. (Cf. Gury-Ferreres, loc. cit., page 780).

Finally, in order to obtain a resolution less favorable to the poor, the Most Reverend Bishop of Gerona adduces the argument that: "In recent years, the revenue from the Bull of Indulgence has begun to decrease significantly, and continues to decline to the detriment of the divine cult." Furthermore, he fears "that lax doctrine on this matter may be one of the more effective causes of this lamentable decline."

I do not deny that this is a consideration of considerable weight, since

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a large portion of the funds assigned by the Government for the expenses of the divine cult is derived from the revenue of the Bull of Indulgence. Therefore, the aforementioned authors, who advocate for a more lenient interpretation in favor of the poor, do not fail to urge the poor to take the Bull of Indulgence, emphasizing the great benefits thereof, while adding that they do not impose any obligation upon them, an obligation that certainly does not exceed the bounds of probability.

Let Villada be heard before others (Casus Conscientiae, vol. II, page 197): "Experience teaches that many more of the poor, when presented with the maximum spiritual benefit that can arise from such an acceptance, regarding the absolution of sins, both reserved and otherwise, regarding indulgences and the remission of penalties due for sins, the commutation of vows, the settlement of uncertain debts, and even the necessity of the divine cult to which the collected funds are applied, are persuaded to take the Bull of Indulgence, rather than risk the denial of absolution that is threatened to those poor who refuse to take it, to which they would otherwise not be certainly obligated. And it is not easily said that excessive rigor in this matter does not provide an opportunity for the damage of souls."

These lamentations of eminent theologians can be opposed to the more reasonable and balanced arguments of the Most Reverend Bishop. Furthermore, it is not to be forgotten that the faith and fervor of the faithful are diminishing day by day, and that, especially in these days, the poor and workers are not sufficiently aware that the Bull purchased by them can be used to nourish the body, otherwise not.

Certainly, if the opinion of confessors were to be sought in this matter, I have no doubt that they would unanimously consider it advisable to relax the obligation of the poor, even if that obligation were most certain. And from what has been said, it is clear that such an obligation is not proven.

[*Latin ed. p. 116*]

Acta Apostolicae Sedis. ~ Commentarium Officiale. to exist. Nor can we pass over in silence the fact that, since the law of abstinence from meat on days of fasting obliges all those who use reason, it would be unjust to impose upon a poor man, who has a large family to support, the obligation to give alms in such large sums, equal to the number of persons in the large family: seven years have now passed since he was perhaps excused from that law of abstinence solely by reason of the excessive labor of his office. Therefore, it seems to me that it would be better for the Right Reverend Bishop to arouse and oppose the aforementioned lamentations with that golden sentiment which the Eminent Fathers of the Sacred Congregation of the Holy Office expressed most prudently in a decree issued on December 7, 1892; which was again sent to Spain on June 1, 1898, to be circulated through the hands of confessors: and it is a decree of the following tenor: "If the faithful, of whom we are speaking (we are speaking of the faithful

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who consume meat on days when it is forbidden), are truly wealthy by the reception of the Lenten Indult, and are not, in the sense of the literal meaning of the brief of the Most Holy Pope Pius VII, dated August 7, 1805, that is to say, if they must work for their own and their family's sustenance, although they possess some goods, or do not need their entire salary, they are in no way obligated to receive the Lenten Alms." (Here, there is no mention of the obligation to at least give the Bulla Cruciatae, although the matter concerns only the advising of their consciences while they consume meat on days when it is forbidden). "And if these confessors say nothing about this matter, they must be silent; if they have doubts, they must be instructed and warned that they are not obligated. But, on the other hand, the wealthy, who, concerning this very matter, do not accuse themselves in confession, if no fruit is expected from such admonition, or indeed, spiritual ruin of the penitents is feared, they must abstain from admonishing them, according to the rules transmitted by approved authors, especially by Saint Alphonsus de Liguori, concerning the admonition from which no fruit is foreseen, or spiritual harm is feared. But those who are obligated either to pay a tax or to observe abstinence, and who accuse themselves of this transgression, must be instructed and warned by their confessors, who, if they have not been successful, except in the case of contempt for the Church, must urge them to seek a dispensation from the Bishop, and if they promise to do so, they may be absolved in the meantime." From what has been said, I would conclude that there is no question of the obligation of the poor concerning which the present discussion revolves, and that, considering the criteria given in the response of the Holy Office, especially its content, it cannot prudently be imposed anew. Therefore, in the case of the proposed doubt, I believe it should be answered: Negatively. DECISION.... And the Eminent Fathers of the Sacred Congregation of Rites, in a general meeting on January 22, 1910, responded: "The poor are to enjoy the Lenten Indult..."

[*Latin ed. p. 117*]

To the Congregation of Rites: It is not required that those who are exempt from giving to alms should also be exempt from granting indulgences; rather, those who wish to enjoy the privileges of the Bull of Indulgences are so exempted. After a report was presented in an audience on January 23, 1910, the Most Holy Father deigned to approve the resolution of the Fathers.

C. X L. CARD. GENNARI, Prefect.

Basilius S. Pompili, Secretary.

SACRED CONGREGATION OF RITES

I. BRUNEN. (Brünn).

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DOUBTS CONCERNING THE CONSECRATION OF A CHURCH AND ALTAR.

The Most Reverend Lord Paulus Huyn, Bishop of Brünn, reverently presented the following matters to the Sacred Congregation of Rites:

I. In the consecration of a church, an altar was consecrated, the table of which had six crosses: namely, four in the corners, a fifth in the middle, and a sixth above the stone which covers the sepulcher of relics. Furthermore, the first five crosses were marked with water, but only the first four and the sixth were anointed with sacred oils, the fifth being omitted. What should be done in this case?

Hence, the following is inquired:

II. Should the first five crosses be marked and anointed, or only the first four and the sixth?

III. Does this response apply also to portable altars?

IV. In the consecration of portable altars, must the consecrating Bishop himself form all the crosses with incense and place the candles, or may he be assisted in these actions by priests?

The Sacred Congregation of Rites, with the careful support of the Liturgical Commission, having considered all matters, decided to respond as follows:

To I: The celebrant or consecrator should acquiesce in this case.

To II: Affirmative to the first part; negative to the second.

[*Latin ed. p. 118*]

118 Acta Apostolicae Sedis. - Official Commentary. Regarding III. Affirmative. Regarding IV. Whether the Bishop, when performing the aforementioned actions, can be assisted by priests. And thus it was decreed, on January 14, 1910. Fr. S. CARD. MARTINELLI, Prefect. L. © S. Ph. Can. di Fava, Substitute. II. METEN. (Metz). CONCERNING THE FEAST OF THE HOLY MARTYRS PERPETUA AND FELICITATIS IN THE DIOCESE. The Most Reverend Lord Willibrord Benzler, Bishop of Metz, presented the following: By Decree of the Congregation of Sacred Rites, dated August 25, 1909, the feast of the Holy Martyrs Perpetua and Felicitatis, according to the double rite, has been established for the entire Church, and it has been assigned to March sixth as their quasi-natalitia. The question is asked: Whether, in the proper diocese, the Feast of these Holy Martyrs, which has hitherto been celebrated on March seventh, after the Feast of Saint Thomas Aquinas has been transferred, it should still be celebrated on March sixth, or rather, should it be left on the day of the Nativity? And the aforementioned Sacred Congregation, with the diligent support of the Liturgical Commission, after careful consideration, judged that the following should be answered: Affirmative to the first part; Negative to the second, according

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to Decree No. 0 3876 Quebec, December 13, 1895, regarding III. And thus it was decreed, on January 28, 1910. Fr. S. CARD. MARTINELLI, Prefect. L. © S. Ph. Can. di Fava, Substitute. III. MANTUANA. (Mantua). CONCERNING THE BLESSING OF ONLY A PORTION OF THE SACRED OILS. A request from the Most Reverend Diocesan Curia of Mantua, transmitted to the Congregation of Sacred Rites for a suitable declaration, dated January 24.

[*Latin ed. p. 119*]

Sacred Congregation of Rites. January 11, 1910, concerning the ancient, even time-honored, custom of blessing the oils for Holy Week on the Feria preceding the Lord's Supper, and of immediately mixing them with unblessed oils, the Sacred Congregation of Rites judged it fitting to respond: The Decree No. 2883 of Patavino, December 7, 1844, should be observed, notwithstanding the aforementioned custom; and thus it responded, on January 28, 1910. Rev. Most Holy Cardinal, Prefect. MARTINELLI, L. S. Ph. Canon of Fava, Substitute. IV. SQUILLACE. CONCERNING THE "GRAMOPHONE" MACHINE IN SACRED FUNCTIONS. The Reverend Father Bellarminus Ruggiero, Archpriest and Pastor of Vallisfiorita, in the Diocese of Squillace, with the consent of his Most Reverend Apostolic Administrator, humbly requested a solution from the Sacred Congregation of Rites to the following question: Is it permissible, in solemn Masses and other functions, in churches where there is a lack of an organist or singers, even laypersons, to use the machine commonly called a "Gramophone" for the singing of strictly liturgical Gregorian chants, of the various parts of the solemn Mass, hymns, and other chants? And the aforementioned Sacred Congregation, with the unanimous support of the Liturgical Commission, judged it fitting to respond to the proposed question: Negatively. And thus it responded, on February 11, 1910. Rev. Most Holy Cardinal, MARTINELLI, Prefect. L. S. Ph. Canon of Fava, Substitute. V. CANONICAL REGULAR CHAPTER OF THE AUSTRIAN LATERAN CONGREGATION. CONCERNING THE USE OF THE REGULAR CALENDAR, IN CERTAIN CASES. The Most Reverend Father Joseph Sailer, General Moderator of the Canonical Regular Chapter of the Austrian Lateran Congregation, Prefect and Abbot of St. Florian, humbly presented the following to the Sacred Congregation of Rites, for what may be appropriate declaration: The following are presented for...

[*Latin ed. p. 120*]

Acta Apostolicae Sedis. - Official Commentary. 120 I. Following the death three years ago of the distinguished parish priest of the Abbey Church of St. Florian, an extract was taken from the aforementioned Congregation concerning the hospital of St. Florian, located in the town itself, the administration of which, according to the statutes of

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its foundation, is to be entrusted to the parish priest of the aforementioned church for the time being. Indeed, in the chapel or oratory of said hospital, where Mass is celebrated daily by one of the canons of the aforementioned Abbey, the Directory or Calendar of the Regular Canons is used. II. The Regular Canons of St. Florian also have a parish church in the small town of Wochlabruch, to which a municipal church was annexed during the time of Emperor Joseph II, in which the Calendar of the Regular Canons is also used. III. In the same town of Wochlabruch, there are sisters (school sisters) belonging to an institute. In the house of the Sisters, where many young girls are educated in good letters, there are chapels in which Divine Service is performed, and which are served by two Regular Canons of the aforementioned Abbey of St. Florian, to whom the Bishop of Linz has entrusted the spiritual care of both the sisters and the girls. Having set forth these circumstances, the question is asked: In the first, second, and third cases, is the Directory and Calendar proper to the Regular Canons of the Lateran Congregation valid? And the Holy Congregation, with the diligent consideration of the Liturgical Commission, has decided as follows: To I. Negatively. To II. Affirmatively, provided that the church, or the aforementioned, is a filial church granted to the Congregation of Regular Canons of the Lateran. To III. In the main, public or semi-public chapel, negatively; in another chapel, as if private, affirmatively; according to decrees n. Orbis of 9 December 1895, and n. 0 0 3862 Urbis and 3910 Ruthenen, of 22 May 1896. And thus it was decided, on 11 February 1910. L. X Fr., S. CARD. MARTINELLI, Prefect. S. Ph. Can. di Fava, Substitute.

[*Latin ed. p. 121*]

The Roman Rota. SACRED ROMAN ROTA I. PARIS. NULLITY; NULLITY; PIO MARRIAGE - CHAUBERT-WEBER. During the blessed reign of Pope Pius X, in the sixth year of his pontificate, on December 23, 1909, the Most Reverend and Reverend Fathers William Sebastianelli, Seraphinus, and Francis Heiner, Auditors from Tournon, having heard the appeal presented by the Defender of the Bond of the Curia, and the Curia having presented its representation concerning the declared nullity, and having considered the arguments presented by both parties concerning the marriage, between Alexander Chaubert and Elisa Weber, inhabitants of Paris, the following judgment was rendered:

On November 16, 1901, Alexander Chaubert contracted marriage in the Church of Saint George, in Paris, with Elisa Weber, whom he had known since childhood; for her father and mother were godparents to Alexander, and he frequently visited their home. Before the marriage, Elisa Weber had been confined, at the request of her parents, in the asylum at Villejuif, because she was of weak mind and had shown signs of insanity since childhood. This fact was carefully concealed from Alexander by the parents of Elisa until after the marriage. But after the marriage, scarcely two or three

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months had passed, when Elisa again showed signs of insanity, so that Alexander was forced to abandon her, and she was again confined in the asylum, at the insistence of her parents and husband.

As the insanity of Elisa increased day by day, and there was no hope of recovering a sane wife, Alexander, on January 29, 1907, presented a petition to the Most Reverend Archbishop of Paris, requesting that his marriage be declared null, on the grounds of the wife's dementia. On July 7, 1908, the judgment of the Court of Paris was rendered, declaring the aforementioned marriage null; from this judgment, the Defender of the Bond appealed to the Sacred Congregation of the Council.

Therefore, since the cause was referred to the Sacred Rota, on May 22, 1909, the following question was properly posed: Whether it is established that there is a nullity in the marriage between Alexander Chaubert and Elisa Weber.

In law, as is well known, marriage is not based on concubinage, but on consent; it is certain that consent is required for the validity of marriage, and that consent must arise...

[*Latin ed. p. 122*]

Acts of the Apostolic See. - Official Commentary. 122, must proceed from a sound mind and a free will. For it is written in chapter Dilectus, 24, concerning betrothals and marriages: "Since she cannot remain with the very man who is constantly afflicted with rage, and because of the alienation of reason, legitimate consent cannot be obtained, we decree that, if you know that this is the case, you should take care to separate these persons from each other"; hence the summary of the chapter: "A madman cannot contract marriage." But what is said about the mad is extended by all doctors to those who suffer from a quiet or tranquil form of insanity; for madness is a genus that includes at least two species, namely, alienation of reason, as is read in the cited chapter, and quiet insanity; in both cases, the mind is not sound, and therefore legitimate or juridical consent cannot arise from it. Since it cannot be directly proven that someone is of unsound mind, because insanity affects the intellect, witnesses are also admitted to prove insanity, indeed, even mere reputation is sufficient, as Pallotti teaches (Collectio, etc., Y. Matrimonium, § III, n. 8). In the present case, it is established that Elisabeth Weber was insane before, during, and after the marriage, and therefore she could not give legitimate consent to the marriage. To begin with the easier part, it is established that she was insane after the marriage; less than five months after the marriage was contracted, namely, in the first half of April of the year 1902, she was again placed in the asylum, where she still lives, miserably insane and incurable. She was already insane from the early years of this new confinement in the asylum, as demonstrated by the testimonies of the doctors of the asylum; in these testimonies, it is written: "Mental state. Stationary state. 'Patient

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presenting with insufficient intellectual development, which 'does not allow her to manage her life independently and to 'provide for her needs through sufficiently useful and sustained 'work,' 1 July 1903," and elsewhere: "No changes to report, and I 'do not foresee any in the near future. She is indifferent to 'everything, including the transfer (from one asylum to another) 'that has been discussed, 9 July 1904," and elsewhere: "Same state of 'mental debility with apathy, unconsciousness, inability to 'manage and provide for her needs. Little or no aptitude for 'useful and sustained occupation, 15 March 1905," and later: "She is 'currently in a period of agitation, and is noisy and disorderly; she 'appears completely indifferent, and does not respond when 'spoken to about her family. Since her arrival at the asylum, she 'has been manifestly unconscious. This state of dementia is 'becoming chronic, and it is to be feared that no 'improvement can occur, 2 March 1906," and also: "Ma-

[*Latin ed. p. 123*]

The Roman Rota. 123 "Mademoiselle Chaubert-Weber always appears very troubled and has only a 'very incomplete awareness of what is happening around her. She is 'often agitated and has tendencies towards violence. She must be treated 'like a child; she is interested in no one, October 11, 1906." And this insanity with which Elisa suffered after marriage, even before she was confined to the asylum, was clearly manifested by undeniable signs and indications. For, one month after the marriage, while her husband was going to confess his sins in the chapel of Saint George, reserved for young men and adults, Elisa followed him, and knelt down near him, among the young men, despite her husband's attempts to warn and repel her. At this time, she also showed herself to be completely incapable of performing any task, even the simplest; what a little girl, even before the age of seven, can do, she is unable to do; she does not know how to prepare food for her husband; indeed, she does certain strange and inappropriate things, for example, she offers her husband raw vegetables instead of cooked ones, she speaks without any modesty about the most intimate matters of marriage, she demands whatever she sees, and she acts and speaks like a child, so that those who see her are moved to laughter, and it is said about her everywhere: "This woman is insane." But when things do not go her way, she becomes quarrelsome and injures her brother with a projected knife. Therefore, if these things are compared with what we have heard above from the doctors of the asylum, it will clearly appear that this unfortunate woman, after marrying Alexander Chaubert, suffered from a serious mental illness, which gradually and insidiously increased, and developed into complete madness. But even before the marriage, she suffered from the same mental illness; a clear sign of this is her confinement and detention in the aforementioned asylum in Villejuif, not far from Paris; for, at the request of her parents, she was confined there due to her insanity,

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as is widely reported by witnesses, and is most clearly demonstrated by a document recently sent by the Archdiocesan Curia of Paris, according to which Lisa Weber was confined as a patient suffering from mental illness in the asylum of Villejuif, from August 26, 1899, to April 14, 1901, that is, for nineteen months and more. And this confinement of Elisa in the asylum, carried out at the insistence of her parents, has even greater force in demonstrating her insanity, because many, indeed most, were concerned that this, as a mark of the family's weakness, should not be imprinted; especially since they were already considering giving Elisa in marriage; therefore, they carefully concealed and hid their daughter's confinement in the asylum, sometimes pretending that she had gone to Alsace, and sometimes that she was indeed in the asylum, but as a servant. The mother of the bridegroom, Alexander Chaubert, did not know that Elisa was in the asylum; but Alexander believed that she was there as a servant.

[*Latin ed. p. 124*]

121 Acta Apostolicae Sedis) Official Commentary. Indeed, – as she herself declares: "And these things received light both from what the witness, Madame Guillotot, recounts, and from what provided an opportunity for the prior inclusion of Elisa." According to Madame Guillotot, Elisa Weber, even in her childhood years, already showed undeniable signs of a disturbed mind: "Already in her childhood, she was extraordinary. She never played with the other children; she walked around the courtyard, talked to herself, and made deep bows to the plants. She was not mad to the point of shouting and creating scenes, but she was strange. I was not surprised to learn that she was confined." On the very day of the marriage, the grandmother of Alexander said: "Miss Weber was unbalanced, and had several times caused violent scenes with her parents, breaking 'everything in the house, and she had to be confined.' " This is all confirmed by the witness, Peter Weber, the brother of Elisa: "In general, my sister was not of sound mind. This was especially evident by a laziness that nothing could overcome. Our mother may have spoiled her too much. I heard that, around the age of eighteen (I was in the regiment), there were violent scenes between my mother and my sister; they pulled each other's hair, always refusing to do anything. I heard this from the neighbors; it was well known." Nor should it be said that Alexander, when he visited her in the asylum, did not observe any sign of insanity in her. For he did not see her except in passing, as he himself says: "I saw her quickly, as I passed by...; I saw her for a quarter of an hour"; moreover, he perceived in her a childish joy; and this, certainly, is a sign of a weak mind; for a girl of her age, who is composed, would not only not burst into childish joys, but rather would compose herself with modesty and reserve. Nor should we add Madame Hamen, the aunt of Elisa, who, for several days, had her niece, Elisa, brought to her home from the asylum with the permission of the

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doctors, and also did not perceive any insanity in her. For she immediately adds: "After a few days, she allowed herself to be taken back to Villejuif without resistance." Furthermore, this is also a judgment of insanity. For which girl of sound mind, especially at an age when she is thinking of marriage, would allow herself to be confined in an asylum? Therefore, it is clear that Elisa Weber was insane both after the marriage, and before the marriage; and it is not enough to say that, before the marriage, she was only slow and unrefined in mind; she was also truly and properly insane; for the actions that have been recounted above are only fitting for an insane person; and if she had not been insane, she would not have been confined by her parents, nor kept there for nineteen months by the doctors. Now, therefore, the question to be asked is whether she was insane during the intervening period.

[*Latin ed. p. 125*]

The Roman Rota. "From April 14, 1901, the day she left the asylum, until the time she contracted marriage, namely, November 16 of the same year, there are 125 days. Regarding this matter, it must first be said that, if it is proven that a woman was insane before and after the marriage, she is to be presumed insane during the intervening period; this is taught by Sanchez (De matrimonio, book I, chapter 8, paragraph 17) and is generally accepted; hence, Pallottini, in the aforementioned passage, number 9, stated: 'If witnesses testify to the woman's insanity before and after the marriage, she is to be presumed equally insane during the time of the marriage.' The reason for this is that, as Sanchez states, 'because the disease of madness is, by its very nature, perpetual, incurable, and hopeless, it is presumed to last at all times, and those lucid intervals are by accident, and therefore are not presumed.' This must be affirmed even more strongly when the insanity did not arise by accident, but rather was contracted as if from birth, as is the case with Elise; the witnesses, the parents of Elise, testify that Elise's mind was weak and that she exhibited unusual behaviors, that Elise was a cousin suffering from the disease of madness; the judge of Paris notes about Elise's brother: 'The Tribunal, after hearing the witness, believes it appropriate to note that Pierre Weber is rather simple-minded. He could only understand our questions with difficulty. However, he answered with all sincerity and good faith.' Therefore, the renowned doctor Bucquoy, when asked for his opinion by the judge of Paris, said: 'It would also seem, according to the testimonies, that even in her childhood, the young woman had bizarre and unusual behaviors and was quite different from children of her age; her mental state did not develop accidentally, but has something constitutional about it.' It cannot be said, in the present case, that Elise left the asylum, and therefore, just as her entry into and detention in the asylum generate a presumption of insanity, so too does her departure generate a presumption of sanity. I say this cannot be said. For: 1. This might perhaps be said if the

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doctors themselves had released her from the asylum; but, in fact, it was not the doctors who released Elise, but her parents who took her back; this is what the witnesses say, for example, Madame Hamen, Madame Chaubert. 2. The witnesses say that Elise, when she left the asylum, was not cured; Madame Guillotot says: 'She left Villejuif... she still had the same peculiar appearance.' 3. When Elise's parents decided to take her out of the asylum, the doctor of the asylum declared that, if the parents wanted to bring their daughter back, they must immediately give her in marriage; the wise and experienced doctor foresaw that it would soon be the case that the malady—
"

[*Latin ed. p. 126*]

126 Acta Apostolicae Sedis - Commentarium Officiale. The circumstances in which Elisa's condition worsened, and thus manifested externally, were such that no one would wish to take her as a wife. The parents of Elisa understood the warning of the doctors; therefore, in preparing for the marriage, although the girl was only seventeen years old, they hastened and hurried; indeed, they hurried so much that, even without Alexander's knowledge, the announcements of the impending marriage were publicly proclaimed in the church. All witnesses attest to this haste. Therefore, when Elisa left the asylum, neither the doctors nor her parents believed her to be cured. Secondly, the aforementioned presumption; namely, that Elisa, who was insane both before and after the marriage, was also insane during the intervening period, is strengthened by certain facts, as recounted by the witnesses. Thus, Madame Chaubert, Elisa's mother-in-law, said: "Lisa was a child, less than that, an innocent. I remember that before the marriage, I spoke to her about the duties that awaited her; I told her that I myself had not married until the age of twenty-six, and that, if the matter were to be done again, I would delay it even further. She understood nothing at all of my words. To everything that I objected, she replied by saying that she would have a beautiful dress, a beautiful veil, etc. In the marriage, she saw nothing else. I hinted that she was less reasonable than a child; one can make oneself understood by a child; she, I repeat, was unconscious." Thus, according to the same witness, Elisa's mother was never able to teach her daughter, even the simplest skills, because of her daughter's lack of understanding and her unusual manner of acting, which immediately provoked laughter from those present. Nor are there lacking facts from the very time of the marriage, which demonstrate that Elisa was in no way cured. On the day of the so-called civil marriage, she was unable to affix her signature to the public records; and, without any shame, she asked a young man who had been invited to the wedding to hold her hand, which caused astonishment to everyone. The witness, Dña Guillotot, says: "For me, on the day of the marriage, the young woman was happy to have a white

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dress; she believed that she had gained everything; but I do not think that she realized the duties that the marriage imposed upon her." The witness, Leocadia Fröyère, adds: "From the very first days that followed the marriage, I was able to observe that the young woman spoke and acted like a child." Therefore, the presumption of insanity, for the period that elapsed from Elisa's departure from the asylum to the very marriage, is strengthened by these facts, and rises to moral certainty. It is irrelevant that some contradiction is noted between the statements of Alexander Chaubert and the document previously mentioned, most recently sent by the Parisian Curia. According to this document, Elisa Webernon did not leave the asylum until April 13, 1901, that is, only seven months.

[*Latin ed. p. 127*]

The Roman Rota, before the marriage contract. Alexander states that he saw Elisa in her family in the year 1900, and therefore that she had already left the asylum. In this matter, the date given by Alexander is to be considered more reliable than that shown in the document, both because this document, although not public, deserves all trust, and because this date is perfectly consistent with the statements of the witnesses, who assert that Elisa's parents had acted with the utmost haste in preparing the marriage, and had not wished to postpone it for more than one year. And, I say, this apparent contradiction is not of consequence. For: 1. Certainly, Alexander did not assert this out of fraud or deceit; for the Parisian Court presents him as a man of the highest merit: "Attached to the Fraternity of the Tertiary Order of St. Francis, he lives a truly Christian life among workers, many of whom have minds deeply offended towards religion"; and this virtue is further evident from his responses before the Parisian judge. 2. It is entirely implausible that Alexander would have asserted this deceitfully; for this assertion does not favor him, but harms him; for the greater the interval between Elisa's departure from the asylum and the day of the marriage contract, the longer the intervals that appeared outwardly bright, or rather, quiet, and therefore the less presumption there is for the state of insanity. 3. Therefore, it must be said that Alexander asserted this due to a lapse of memory, which is not surprising in a completely uneducated man, who lived from daily labor. Having considered and diligently pondered all of these things, invoking the name of Christ, We, the undersigned Auditors, sitting for the Tribunal, and with only God before our eyes, confirming the sentence of the Archdiocesan Court of Paris, we decree, declare, and definitively sentence: That the marriage between Alexander Chaubert and Elisa Weber is null and void; and thus we answer the proposed question. So we pronounce, ordering the Ordinaries of the places and the ministers of the Tribunals to whom it pertains, to order the execution of this our definitive sentence, and against those who resist, to proceed according to the sacred canons, and especially chapter 3, session 25, De reform., of the

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Council of Trent, using the executive and coercive means that may prove more effective and appropriate for the circumstances. Rome, on December 23, 1909. William Sebastianelli. L. B S. Seraphinus Many, Prelate. Franciscus Heiner. Sac. Tancredes Tani, Notary.

[*Latin ed. p. 128*]

128 Acta Apostolicae Sedis. - Official Commentary. II. GORITIEN (Gorizia). PRESENTATION TO THE PARISH. Under the blessed reign of Pope Pius VII. The Most Reverend Fathers William Pontificatus Sebastianelli and Franciscus Heiner, Auditors of Tournon, of the Sacred Congregation, in the cause of Gorizia, concerning the Presentation to the Parish, having heard the Reverend John Meizlik, represented by his legitimate procurator, Signor Christopher Tognon, and the Reverend Sebastianus Tognon, represented by the advocate Signor Vincentius Sacconi, convened by the Reverend Promotor of Justice and Law, on the 10th of February, 1910, pronounced the following sentence. Since the parish church of the city of Gradum, in the Archdiocese of Gorizia, became vacant, the Reverend Fathers John Meizlik and Sebastian Tognon were declared suitable after a competition instituted by the Ordinary, and presented to the Municipality of Gradum, as the patron of the benefice, on the 19th of October, 1908; in order that one of them might be designated, and presented to the ecclesiastical authority for canonical institution, the votes of the community of Gradum favored the Reverend Meizlik. However, since in Austria, private patrons are only entitled to present a candidate for appointment to a parish for a period of six weeks, and this period had elapsed, Sebastian Tognon was called to the parish. The Reverend John Meizlik challenged the action of the Ordinary, appealing to the Sacred Congregation, which, after receiving a written opinion from the Most Holy Pope on the matter, referred the Gorizia case to the Congregation. Therefore, today, in the case of the Reverend Sebastian Tognon, the following question is specifically raised: Did the action taken by the Ordinary in Gorizia constitute a valid and legitimate procedure? Indeed, the question arises preliminarily: Was the competition held to obtain the vacant church of Gradum legitimate and valid? If this question is answered in the negative, then it is entirely superfluous and useless to address the controversy on the merits. With this established, in chapter 18, session XXIV, of the Council of Trent, it is decreed that candidates in a competition for vacant parish churches "shall be examined by the Bishop, or, if he is prevented, by his Vicar General, and by other examiners not less than three..." Other provisions, made in addition to the aforementioned form, are considered invalid.

[*Latin ed. p. 129*]

The Roman Rota. In the deliberations of March 19, 1567, it was declared

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that the aforementioned provisions were not to be repeated, but rather that they were null and void, of no value or importance whatsoever. Therefore, Benedict XIV (De Syn. Dioecesana, Book IV, chapter 8) writes: "If the examination is conducted before fewer than three synodal examiners, the competition is illegitimate, and the appointment of a parish priest, having been carried out contrary to the form prescribed by the Council of Trent, has no validity." However, the same Pope, in the aforementioned passage, states that the examiners must give their votes before leaving the place of examination and before being separated from the Bishop and his Vicar. This is so true that "if the examiners are equal or if there is only one vote, just as the votes of the examiners must be given immediately after the examination is completed, so too, in the event that the Bishop or his Vicar may be inclined to favor one candidate, he must explain to those same examiners to whom he is inclined, since this pertains to the completion of the examination." This substantial right is fully in force in the Austrian Empire. Although it has been established in that empire that the examination concerning the doctrine and knowledge of the candidates should be conducted separately from the examination in which the other qualities of those being examined are investigated; nevertheless, by a decree of the Archbishop of Gorizia on August 29, 1857, it is stipulated that in the general examination concerning knowledge, and in the special examination concerning the other requirements, not all examiners must be present, but only those designated by the Archbishop, so that, in accordance with the Council of Trent, session XXIV, De Ref., and Benedict XIV, "at least three examiners must conduct the examination, in the presence of the Archdiocesan Commissary." This is consistent with article 24 of the Concordat of 1855, which states: "Parishes will be provided for in all cases through a public competition and with due observance of the prescriptions of the Council of Trent." Indeed, after carefully examining the documents relating to the competition, it was found that only two examiners were present, along with the President, the Archdiocesan Commissary, who gave their votes regarding the suitability of the candidates. Furthermore, the signatures of four examiners are presented; and not all of those who signed were present at the examination, as can be deduced from the protocol which was taken in the Archdiocesan chancery. When questioned by the judge, the signatory John Kokosar stated the names of those who were present at the convened session of the examiners: "Faidutti was present, and besides him, John Wolf, the Canon, and myself; therefore, there were three examiners present at the synodal examination." The same was also testified by another signatory, John Wolf, with these words: "At the meeting, Faidutti was also present, as well as D. John Kokosar, the parish priest and synodal examiner, and myself, with D. Kolavic and D. Zamparo absent; therefore, there were three of us present, along with Faidutti." It is irrelevant that D. Kolavic asserted

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that he, too, was present at the meeting.

[*Latin ed. p. 130*]

Acts of the Apostolic See. - Official Commentary. 130, inasmuch as this declaration is invalidated by the testimony of the aforementioned examiners, of whom the first affirmed, "He (Kolavic) was not present at the session, but afterwards a protocol was subsequently drawn up by me, and all the proceedings of those present were transmitted to Salcamum, who submitted the protocol," and another testified, "D. Kolavic, as far as I remember, was not present, and I do not know when or where he signed." Furthermore, it is also gathered from this that the affirmation is not to be considered valid, because when asked where the session was held, he unequivocally replied, "I do not know." Therefore, since only two examiners were present in this assembly, there is no reason to doubt his nullity. Nor is it to be said that the Archdiocesan Commissary was present at the meeting as a third examiner. Indeed, the Fathers of Trent, in Decree 1, e, prescribe that in examinations, there must be "at least three examiners (called by the Bishop) who, before them or their Vicar, examine those present at the parochial examination." Therefore, in any examination, at least four people must be present, namely, three examiners and the President. However, the judgment regarding the suitability of the candidates belongs solely to the examiners, unless they are equal or singular in their votes. The words of the Pope are clear: "In this judgment of the examiners, there is no part for the Bishop, or for the Vicar, who assists at the examination in the place of the Bishop, unless perhaps the votes of the examiners are equal, or singular." Moreover, the Ordinary of Gorizia, in transmitting the acts of the H. S. T. assembly, declares that D. Faidutti exercised the office of the Archdiocesan Commissary and abstained from voting and signing; which is also evident from the protocol, in which the signature of Faidutti is absent among the examiners. Nor can the decision of the Sacred Congregation of the Council, Policastren., related by the often-praised Pontiff in chapter VII, n. 5, cited in the aforementioned work, be adduced to the contrary. For, since in the diocesan synod of Policastro, the General Vicar was also appointed as an examiner, and this assembly was convened for a parochial examination of a vacant church under the title of the dignity of the Vicariate and he attended, the Sacred Congregation of the Council validated the assembly with a reservation, writing to the Bishop that the General Vicar should henceforth be called to parochial assemblies by his own express name. But a profound silence is maintained regarding the intervention of the Bishop: indeed, he should be presumed to have been present at the session by right; otherwise, the Sacred Congregation would either have declared the assembly null, as having been carried out contrary to the form of the Council of Trent, or at least would have granted a validation with a double defect. After due consideration, We, the undersigned Auditors of turno, invoking the name

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of Christ, and sitting in judgment, do hereby decree and declare that the assembly held to obtain the vacant [office] was null and void.

[*Latin ed. p. 131*]

Secretariat of the State. 131. The Church of Gradum is declared to be of no standing, and the presentation of John Meizlik and the nomination of D. Sebastian Tognon are rejected. We decree that the judicial expenses shall be considered as compensated between the parties, and we wish them to be so considered, and we command. Thus we pronounce, ordering the Ordinaries of the places and the Ministers of the tribunals to whom it pertains, to order the execution of this our sentence, and against those who resist, to proceed according to the norms of the sacred canons, and especially chapter 3, session 25, De Reformatione, of the Council of Trent, employing the executive and coercive means that shall be most effective and appropriate for the circumstances. Rome, 10th of February, 1910. William Sebastianelli, Prefect. L. © S. Seraphinus Many. Francis Heiner. Sac. Tancredes Tani, Notary. I. TO THE REVEREND FATHER FR. JOSEPH M. LLOVERA C. G., CONCERNING THE ACTION OF GRACIARUM FOR TWO COPIES OF THE WORK «TRATADO ELEMENTAL DE SOCIOLOGIA CRISTIANA» RESPECTFULLY PRESENTED.

Most Reverend Father: With your attentive letter of the 25th of last month, I have received the two copies of your work «Tratado Elemental de Sociologia Cristiana», which you sent, awarded by the meritorious «Acción Social Popular» of Barcelona. It is so important for the Catholic interests of Spain, in the present times, to extend and disseminate sound social doctrines with a book that, while meeting the essential conditions of doctrinal purity and guidance, combines clarity and simplicity in its method and proves practically useful to all classes of people, that in reporting to His Holiness the copy of the work that I dedicate to him, I have been instructed.

[*Latin ed. p. 132*]

132 Acta Apostolicae Sedis. - Official Commentary. With paternal and most special affection, I transmit the requested Apostolic Blessing. Please accept, simultaneously, my sincere expressions of gratitude for the copy which you have kindly sent me, and consider me your attentive and devoted servant. Rome, 27 January 1910. R. CARD. MERRY DEL VAL. L. S. II. TO R. P. D. EMMANUEL MARBEAU, ELECTED BISHOP OF MELDENSEM, DEVOUTLY OFFERED BY "PAROISSIAL."

Your Excellency. The Holy Father received with the greatest benevolence the tribute "from the Paroissial of the Faithful," which Your Excellency has wished to offer Him. The numerous fruits already obtained by the publications of the Library of true and solid piety are a sure guarantee of the utility and appropriateness of the "Paroissial," at a time when it is

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so necessary to maintain and further develop faith and Christian life in souls. A work intended to make known the excellence and beauties of the Liturgy and the prayer of the Church, and their perfect concordance with the needs of the soul and with the desires of the heart, and to instruct the faithful in all their duties as Christians, is destined to render the greatest services. Therefore, this publication will remain, along with the Catechism of Trent, one of the most excellent works, through which Your Excellency will have manifested this apostolic zeal, of which the faithful of the diocese of Meaux, after those of the parish of Saint Honoré of Eylau in Paris, will now reap abundant fruits. His Holiness sends you, from the depths of his heart, the Apostolic Blessing. He also blesses the work which you have sent to Him, as well as the publishing endeavor which you have undertaken for the greatest good of souls. I implore you, Your Excellency, to accept the expression of my most devoted sentiments in Our Lord. Rome, 31 January 1910. R. L - ffS. CARD. MERRY DEL VAL.

[*Latin ed. p. 133*]

133. DIARY OF THE ROMAN CURIA, SACRED CONGREGATION OF THE SACRAMENTS. Not the 1st of March, but the 17th of March, the written examination will take place for the competition for a position of minor official in the Sacred Congregation for the Discipline of the Sacraments.

SACRED CONGREGATION OF RITES, February 15, 1910. – In the Apostolic Palace of the Vatican, the Ordinary Congregation of Sacred Rites was held, in which, according to the judgment of the Most Eminent and Reverend Lords Cardinals composing the same, the following matters were considered:

1. The resumption of the cause of canonization of the Blessed John of Triora, professed priest of the Order of Friars Minor, martyred in Gina.

2. Likewise, the cause of canonization of the Blessed Joan of Arc, Virgin, known as the Maid of Orleans.

3. The introduction of the cause of beatification and canonization of the Servant of God Adelaide Cini, foundress of the Institute of the Sacred Heart of Jesus in Malta.

4. The confirmation of the cult rendered for a long time to the Servant of God Julian Cesarello de Valle, professed priest of the Order of Friars Minor, called a saint and blessed.

5. Regarding the granting and approval of the proper Office and Mass in honor of the Blessed Francis Néron, Martyr, for the Diocese of Saint-Cloud.

6. Likewise, of the proper Office and Mass in honor of the Blessed John Theophane Venard, Martyr, for the Diocese of Poitiers.

7. Likewise, of the proper Office and Mass in honor of the Blessed John Eudes, Confessor, foundress of the Congregation of Jesus and Mary, known as the Eudists.

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8. Regarding the revision of the writings of the Servant of God Paola Elisabetta Cerioli, widow Buzecchi-Tassis, foundress of the Institute of the Holy Family.

9. And finally, regarding the writings of the Servant of God Maria Teresa Haze, foundress of the Daughters of the Cross.

[*Latin ed. p. 134*]

Acta Apostolicae Sedis. - Official Commentary. 134

APOSTOLIC SECRETARIAT

NOTICE OF COMPETITION.

In the Apostolic Secretariat, a competition is open for one position of Assistant. Those priests, holding a doctorate in Canon Law, who wish to participate, must submit their application, along with the necessary qualifications, to the Protocol Office of the dicastery, no later than March 22nd of the present year.

Apostolic Secretariat, February 22, 1910.

G. GUERRI, Prefect.

SECRETARY OF STATE

APPOINTMENTS

The Holy Father, through a note from the Secretary of State and a Brief, has deigned to appoint:

Bishop Assistant to the Holy See: January 13, 1910. — Mons. Agostino Giuseppe Callier, Bishop of Haarlem.

Apostolic Protonotary, with the privileges of those participating: January 31, 1910. — Mons. Giovanni Battista Mendecker, General Vicar of the Archdiocese of Munich.

Domestic Prelates: January 15, 1910. — Rev. Dr. Enrico A. Braun, Doctor of Theology and Rector of the Church of St. Agnes in New-York.

January 20. — Rev. Canon Dr. Pietro Cerone, Archpriest of the Cathedral of Muro Lucano.

January 24. — Rev. Dr. Francesco Stieglitz, Canon of the Cathedral of Linz.

January 26. — Rev. Canon Dr. Giuseppe Hollweck, Professor of Canon Law in the episcopal academy of Eichstätt.

January 29. — Rev. Canon Dr. Francesco Bertaccini, formerly Prefect of the Schools of the Pontifical Roman Seminary.

February 1, 1910. — Rev. Dr. Tommaso Kennedy, Rector of the English

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College in Valladolid.

Pontifical Common Chaplain: January 25, 1910. — Rev. Dr. Rocco Giani, Innocentian Chaplain in the Vatican Basilica.

[*Latin ed. p. 135*]

Diary of the Roman Curia. 135 HONORS. His Holiness, through a note from the Secretariat of State and with a Brief, has deigned to bestow the following honors: The Grand Cross of the Order of St. Sylvester: January 17, 1910. — To Mr. Bernard Lencastre, from Porto in Portugal. January 19. — To Mr. Count Robert Zileri dal Verme, from the diocese of Vicenza. The Plaque of the Order of Pius: January 14, 1910. — To Mr. Mariano Pagliari, Commissioner, Vice-President of the association "La Fedeltà" in Rome. The Commander's Cross with Plaque of the Order of St. Gregory the Great, civil class: January 18, 1910. — To Mr. Doctor Albert Torres, Deputy in the Parliament of Portugal. January 20. — To Mr. Count Alfonso Hennequin de Villermont, Mayor of Ermeton-sur-Biert, in the diocese of Namur. January 29. — To Mr. Count Charles de Mérode, Marquis of Westerloo, Prince of Grimberghe and of Rubempré, attached to the Extraordinary Mission sent to the Holy Father by His Majesty the new King of Belgium. The Commander's Cross of the Order of Pius: February 12, 1910. — To Mr. Duke Gabriel de Rarécourt de la Vallèe de Pimodan, of Paris. The Commander's Cross of the Order of St. Gregory the Great, civil class: January 14, 1910. — To Mr. Bernard Stephan, Lawyer, Imperial Counselor in Beuten, diocese of Breslau. January 17. — To Mr. Viscount Giovanni de Jonghe d'Ardoye, of the archdiocese of Malines. January 29. — To Mr. Stephen Visart de Bocarmé, attached to the Extraordinary Mission sent to the Holy Father by His Majesty the new King of Belgium. February 14, 1910. — To Mr. Hugo de Schragl, Municipal Counselor and Architect at the Imperial Royal Lieutenantcy of Innsbruck. — To Mr. Enrico Delvaux, Governor of the province of Liege. January 17. — To Mr. Matteo Liesens, Engineer in Tamines, diocese of Namur. The Knighthood of the Order of Pius: January 14, 1910. — To Mr. Doctor Adriano Ponce de Leon, Surgeon, Counselor of the association "La Fedeltà" in Rome.

[*Latin ed. p. 136*]

136 Acta Apostolicae Sedis. - Official Commentary. The Knighthood of the Order of St. Gregory the Great, civil class: January 8, 1910. — To Mr. Carlo Balzer, Senior Official of the Austrian Government in Galicia. January 14. — To Mr. Agostino Schneider, of Patschkaw, diocese of Breslau. January 15. — To Mr. Alfonso Lucas, Royal Counselor in Belk, diocese of Breslau. January 25. — To Mr. Giacomo Mac Adam, of London. January 29. — To Mr. Paolo Emilio de Favereau, attached to the special mission sent to the Holy Father by His Majesty, the new King of Belgium. February 5, 1910. — To Mr. Pietro Ludovico Courtecuisse, of Douay, diocese of Cambrai. February

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5. — To Mr. Eugenio Rigo, Engineer in Hautmont, of the same diocese. February 16. — To Mr. Enrico Pauwels-Mertens, of Antwerp. The Knighthood of the Order of St. Sylvester: January 14, 1910. — To Mr. Alessandro Volpato, in Rome. January 25. — To Mr. Isidoro Marie van Cauwenberghs, president of the charitable committee of Antwerp. February 15, 1910. — To Mr. Michele Kambalouri, Director of foreign correspondence of the Turkish government, and Interpreter of the Vilayet of Scutari.

HOUSEHOLD OF HIS HOLINESS

APPOINTMENT: Extraordinary Secret Chamberlain: The Holiness of Our Lord, with a letter from His Eminence, the Reverend Monsignor, deigned to appoint: February 17, 1910. — Mons. Giuseppe Carughi, Canon of the Cathedral of Como.

NECROLOGY

Month of February 1910. — Mons. Marco Hudrisier, of the Order of Capuchin Friars, Bishop of Port-Victoria, in the Seychelles Islands.

[*Latin ed. p. 137*]

Year II. - Vol. II. March 15, 1910. No. 4. ACTA APOSTOLICAE SEDIS. OFFICIAL COMMENTARY. ACTS OF POPE PIUS X. APOSTOLIC LETTER. I. GRANTING A TITLE AND PRIVILEGES TO THE ARCHISODALITY OF THE CONFRATERNITY OF THE VIRGIN OF SION, ESTABLISHED FOR THE PURPOSE OF OBTAINING THE CONVERSION OF JEWS, IN THE CHURCH "BEHOLD THE MAN," WITH THE FACULTY OF AFFILIATING EVERYWHERE THROUGHOUT THE WORLD. PIUS PP. X. For the perpetual memory of this matter. — The sodality, commonly known as the "Association of prayers for obtaining the conversion of Jews," which was begun a few years ago in Paris and approved by the Archbishop of Paris, has, with God's favor, grown so rapidly that it is now spread throughout almost all of France, and soon it will be happily propagated throughout the entire Catholic world. Endowed with indulgences by the Apostolic See, it now consists of approximately one hundred thousand members, and it is directed by religious men who are called priests of Our Lady of Sion. Indeed, these same priests, with the support of the Patriarch of Jerusalem, and the Archbishops of Paris, Vienne, Westminster, and Carthage, have earnestly implored us to establish a center for this fruitful sodality, and to increase it with the title and privileges of an Archisodalitas. We, for whom there is nothing more ancient than to embrace those who are wandering from the true faith of Jesus Christ through communion of prayers, have considered it right to grant our approval to these pious wishes, as far as is possible in the Lord. Wherefore, by the fullness of Our Apostolic authority, We hereby establish a center for this sodality or society, in the church at the arch "Behold the Man," where a Confraternity was erected by the Patriarch

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of Jerusalem on the 17th of April of the year 1908, on a Friday, which was also a Parasceve.

[*Latin ed. p. 138*]

Acta Apostolicae Sedis. - Official Commentary. 138. The fraternity under the title of Our Lady of Sion, and its statutes, have been approved. Furthermore, this fraternity, which was established for the conversion of the Jews, is, by our authority, and by these present words, raised to the title and rank of Archisodality, permanently, with all the rights and privileges that pertain to an Archisodality according to custom. Therefore, we grant to the Moderator and officials, present and future, of this society, which We have thus raised to the dignity of an Archisodality, that they, in the future, may lawfully incorporate all and each of the societies existing throughout the world, bearing the same name and institute, into this same Archisodality; and that they may also lawfully grant to each and all of them the indulgences, relaxations, and other benefits granted to this Archiconfraternity by the Apostolic See, and which are communicable to others. We decree that these present letters shall be firm, valid, and efficacious, and shall have and obtain their full and complete effect, and that those to whom they pertain, and who may pertain to them, shall fully and completely observe them in all things; and that, in matters concerning these things, judgment shall be rendered and defined by any ordinary or delegated judge, and that it shall be void and null if, in any way, by any authority, knowingly or unknowingly, anything should happen contrary to these things. Notwithstanding Our regulations and those of the Apostolic Chancery regarding matters of law, and other Apostolic Constitutions and ordinances, and other things, with special and individual mention and derogation worthy of consideration, which may be contrary to these. Given at Rome, at St. Peter's, under the Fisherman's ring, on the 24th of August, 1909, in the seventh year of Our Pontificate. R. L. *His Holiness* Cardinal Merry del Val, Secretary of State. II. ALL THE FAITHFUL, WHO HOLD IN THEIR HANDS A ROSARY, RITE PROPERLY BENEDICTED, MAY OBTAIN AN INDULGENCE OF 1 DAY FOR EACH "PATER" AND EACH "GLORIA" RECITED, IN ADDITION TO THOSE ALREADY GRANTED. PIUS PP. X. For the perpetual memory of this. - Our Predecessor of blessed memory, Leo XIII, through a Rescript of the Sacred Congregation of Indulgences, dated the 18th of September, 1893, to the aforementioned sodality.

[*Latin ed. p. 139*]

The Acts of Pope Pius X, 139, state that the fraternity of the Most Precious Blood, when reciting the Rosary of the Most Precious Blood, holding a properly blessed Rosary in their hands, for each Sunday prayer and for every prayer beginning with "Glory be to the Father," is granted a partial indulgence of fifty days, applicable to the living or the dead. Now, since

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our beloved sons, the Missionary priests of the Most Precious Blood, have earnestly implored us, out of Apostolic benevolence, to extend this same indulgence to all the faithful, both men and women, we, having considered this to be a salutary and fruitful counsel, and believing that the granting of these heavenly graces will stir up the nations to devoutly contemplate the mystery of the Lord's Passion, have, with a willing heart, approved of this. Wherefore, confident in the mercy of Almighty God and in the authority of the Apostles, Saint Peter and Saint Paul, We hereby grant, that all the faithful, both men and upon, now and in the future, wherever they may be on earth, may enjoy the aforementioned partial indulgence attached to the recitation of the Rosary of the Most Precious Blood, provided that all the conditions are observed which are added to the concession granted by Our Predecessor to the members of the aforementioned fraternity, as stated in the aforementioned Rescript, and provided that the Rosaries themselves are properly blessed by those who have the authority to do so, and according to the formula approved by the Congregation of Sacred Rites. Notwithstanding any contrary provisions. These present documents are valid for perpetual and future times. But We wish that a copy of these letters be presented to the Supreme Congregation of the Holy Roman and Universal Inquisition, under penalty of the nullity of the grace obtained; and likewise, that the same faith be given to copies or transcripts of these letters, even printed ones, signed by a public notary and sealed with the seal of a person in ecclesiastical dignity or office, as would be given to these present documents if they were exhibited or shown. Given at Rome, at Saint Peter's, under the Fisherman's ring, on the ninth day of December, in the year 1909, in the seventh year of Our Pontificate. R. CARD. MERRY DEL VAL, Secretary of State. December 13, 1909. — A copy of these letters has been presented to this Supreme Holy Congregation of the Roman and Universal Inquisition. In witness whereof, etc. Aloisius Giambene, Substitute for Indulgences.

[*Latin ed. p. 140*]

Acta Apostolicae Sedis. - Official Commentary. 140 III. GRANTING INDULGENCES AND PRIVILEGES TO THE ALTAR OF THE BLESSED VIRGIN MARY, "OF THE FRAXINUS," IN THE DIOCESE OF VERONA.

PIUS, Pope. X. For the perpetual memory of this event.

To our beloved sons, the priests appointed to oversee the solemn celebrations of the four hundredth anniversary of the apparition of the Blessed Virgin Mary, known as "of the Fraxinus," near Peschiera in the diocese of Verona, we are approached with a supplication. We, moved by piety, desire to grant certain special graces from the treasure of the Church, divinely entrusted to Us, to this ancient and highly esteemed sanctuary.

We, having considered the grave importance of this matter, and our beloved son, Bartholomew, Cardinal of the Holy Roman Church, Bacilieri, by Apostolic dispensation, Bishop of Verona, having approved these

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pious requests, and confident in the mercy of Almighty God and in the authority of the Blessed Apostles Peter and Paul, We hereby, with Our Apostolic authority, adorn the altar of the Blessed Virgin Mary, "of the Fraxinus," located in the aforementioned sanctuary, with the privilege of offering Masses for the dead, so that whenever any priest, secular or of any religious order, offers a Mass for the soul of any faithful person who has departed this life in charity and joined with God, and that Mass is duly celebrated at the aforementioned altar, the soul itself, if it pleases God, will be released from the pains of purgatory.

Furthermore, with equal authority, We grant that, observing the prescriptions of ecclesiastical canons, those who offer a votive Mass at the sacred altar of the Virgin Mary may do so daily, except on Sundays, on double feasts of the first and second class, and on privileged weekdays and octaves.

Finally, in order to promote the spiritual well-being of all those who come to the aforementioned sanctuary, We grant that all faithful of both sexes who, having confessed and received absolution, and having partaken of the heavenly food, visit the sanctuary of the Virgin of the Fraxinus on Sundays and on the feasts of the Blessed Virgin Mary, and there offer devout prayers to God for the concord of Christian princes, for the eradication of heresy, for the conversion of sinners, and for the exaltation of the Holy Mother Church, shall receive, on those days, a plenary indulgence for all their sins.

And to those faithful who, at least with a contrite heart, offer the prayers as mentioned above, on any day of the year, and celebrate the same sanctuary, We remit from the usual seven years of penance, according to the form of the Church.

Moreover, We permit those faithful, if they so desire,

[*Latin ed. p. 141*]

The acts of Pope Pius X, page 144, grant these plenary and partial indulgences, to expiate the imperfections and penalties of the priestly life. Notwithstanding any objections whatsoever. These are valid in the present, and for all future times. Given in Rome, at St. Peter's, under the Fisherman's ring, on the first day of January, 1910, in the seventh year of Our Pontificate. R. CARD. L. Eg S. a MERRY DEL VAL, Secretary of State.

IV. The district of Pao-ting-fou, which is separated from the Vicariate Apostolic of North Ce-li, is hereby constituted a new Vicariate Apostolic, to be called the Vicariate Apostolic of Central Ce-li.

PIUS PP. X. For the sake of future remembrance. — To Us, seated in the sublime chair of the Prince of the Apostles, nothing is more dear than that the true faith may be spread throughout the entire world; and for this reason, We strive with the utmost diligence to promote the Catholic missions

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in distant lands, and We carefully consider all that may contribute to their benefit. Indeed, when the venerable brother Stanislaus Jarlin, titular Bishop of Pharbaetitis, and most worthy Prelate of the aforementioned Vicariate, proposed to Us that We should deign to erect the district of Pao-ting-fou, which belongs to the Vicariate Apostolic of North Ce-li, into a separate mission; We, having carefully considered all the circumstances, and with the diligent study that the matter required, and having consulted with Our Venerable Brothers, the Cardinals to whom the affairs of the Propagation of the Faith are entrusted, We have decided to grant their request. Therefore, with full knowledge and mature deliberation, and by the fullness of Our Apostolic authority, We separate the district of Pao-ting-fou from the Vicariate of North Ce-li, and We erect it into a separate Apostolic Vicariate, to be entrusted to the care of priests from the Mission, under the name of Central Ce-li. Thus, this new Apostolic Vicariate of Central Ce-li, which We hereby establish, comprises the aforementioned district of Pao-ting-fou, consisting of the Prefecture of the first order of Pao-ting-fou, and also the Prefecture of the second order of Y-tchoo, and it is bounded to the north by the Prefectures of Suen-hoa-fou and Choun-tien-fou, to the east by the Prefecture of Ho-kien-fou, and to the west by the Prefectures of Ting-

[*Latin ed. p. 142*]

Acta Apostolicae Sedis. - Official Commentary. The places of 142 *tchoo* and *Tcheng-ting-fou*, together with those mentioned above, belong to the civil province of *Tche-ly*, and the civil province of *Chan-Si*. Ecclesiastically, they are limited to the north by the Apostolic Vicariate of Ce-li Septentrionalis, to the east and south by the Apostolic Vicariate of Ce-li Meridionalis, and to the south and west by the Apostolic Vicariate of Ce-li Meridio-occidentalis. We decree that these present letters shall be firm, valid, and efficacious, and shall have their full and complete effect, and shall fully suffice for those to whom they pertain, and may pertain, in all things and through all things, and that in the aforementioned matters, any judge, ordinary or delegated, ought to judge and decide, and that they shall be void and null if, by anyone, with any authority, knowingly or unknowingly, anything should happen to interfere with them. Notwithstanding Our regulations and those of the Apostolic Chancery regarding matters of law, and other Apostolic Constitutions and ordinances, and other matters worthy of special and individual mention and derogation, to the contrary. Given in Rome, at St. Peter's, under the Fisherman's Ring, on the fourteenth day of February, 1910, in the seventh year of Our pontificate. R. L. 51 S. CARD. MERRY DEL VAL, Secretary of State.

THE AKCRENSIS DIOCESE IS SEPARATED FROM THE AMADIENSE CHALDEAN DIOCESE.

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TO THE VENERABLE BROTHER JOSEPH EMMANUEL THOMAS, PATRIARCH OF THE CHALDEANS OF BABYLON.

PIUS PP. X.

Venerable brother, greetings and the apostolic blessing.

Since those things which appear more suitable for the better care of the spiritual welfare of the faithful are, although seemingly insignificant, placed here in this sublime Chair of the Prince of the Apostles, we strive with all diligence and willingness to promote them. Therefore, guided by this counsel, we have decided that the Akcrensis diocese, which, upon the request of George Ebed Jesus Khayyath, the blessed Patriarch, and the Synod of Bishops of the Chaldean rite, was, by similar Apostolic letters, dated the twenty-third day of April in the year 1895, perpetually united to the Amadiense diocese, and to which the Bishop of Amadia was added, together with the title of Akcrensis, should now, for grave reasons, as described below, be separated from the aforementioned Amadiense diocese.

For fifteen years, as confirmed by the testimony of Our Delegates, it has been ascertained that the Bishop of Amadia is neither suitably nor conveniently...

[*Latin ed. p. 143*]

143 The Acts of Pope Pius X, due to the distances of places, impassable roads, and other grave difficulties, can make the governance and administration of the Acre diocese burdensome. Therefore, you, venerable brother, last year, present in this our Alma City for the visitation of the Holy Thresholds, offered prayers to Us, so that the aforementioned Acre diocese might again be separated from the Amadia diocese, and until proper provision can be made for its own pastor, it should, in the meantime, be administered by the Patriarch, whose diocese is closer to it. After carefully and maturely considering all these important matters with our Venerable Brothers, the Cardinals of the Holy Roman Church, who are dedicated to spreading the Christian name and are responsible for the affairs of the Eastern Rite, we deemed it fitting to grant your requests in this regard. Therefore, by the tenor of the present document and by the fullness of Our Apostolic authority, we completely separate and disjoin the aforementioned Acre episcopal see from the Amadia Chaldean diocese, and we provisionally and temporarily entrust its administration to the care and responsibility of our venerable brother, the Patriarch of Babylon, for the time being, who will be able to govern and administer it, even through a worthy and suitable vicarious, removable at his discretion, as he deems expedient in the Lord. We decree that these Our letters shall be firm, valid, and efficacious, and shall always exist and be, and shall have their full and complete effects

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and obtain them, and that they will fully support and be fully observed by those to whom they pertain, now and in the future, in all things and through all things, and that in the aforementioned matters, they must be judged and determined by any ordinary or delegated judges, and that they shall be void and null if, by anyone, through any authority, knowingly or unknowingly, anything should happen to be attempted contrary to them. Notwithstanding Our and the Apostolic Chancery's regulations regarding the non-nullification of rights, and other Apostolic constitutions and sanctions to the contrary, whatever they may be. Given at Rome, at St. Peter's, on the twenty-fourth day of February, 1910, in the seventh year of Our pontificate.

R. L.

[Signature]

S. CARD. a MERRY DEL VAL, Secretary of State.

[*Latin ed. p. 144*]

Acts of the Apostolic See. - Official Commentary. LETTERS I. TO ANTONY, Titular Archbishop of the Holy Roman Church, Nereus and Achilles, Cardinal Priest, Archbishop of Cologne, concerning the actions undertaken in Gracias, as a tribute of veneration to the Supreme Pontiff, containing an account of all that was accomplished at the Eucharistic Congress held in Cologne.

Beloved Son, greetings and the apostolic blessing.

We have learned with great joy from you, through a volume recently sent to us, of the happy outcome of the Eucharistic Congress which you held not long ago, a matter which we had anticipated with concern for the Catholics of Germany. Already, public reports, and indeed, our Most Reverend Brother, the Bishop of Praenestinus, whom we sent to preside over the Congress in Our name, have informed Us that it was possible to witness a remarkable example of public piety and faith at that time. We have greatly valued this Congress, and we have sought to learn of it through your writings, and in a single glance, to grasp its essence. And indeed, you can scarcely imagine how much comfort we have derived, and how much delight we have experienced, from the accounts contained in that volume, both from the large number of people who gathered from afar for the Congress, which was almost countless, and from the solemnity and gravity of the sacred rites and discussions, and from the utility, the splendor, and finally, from the outstanding display of piety in Christ and devotion to the Apostolic See, which was abundantly evident. We congratulate you on the labors which you have so successfully undertaken, and we pray that those who were unable to attend may find in this a beautiful and honorable example of religion, and that from it, their devotion to the Holy Sacrament of the Altar may be increased, and that all may strive with

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even greater zeal for this greatest mystery of faith, in which both divine charity and human dignity shine forth in a singular abundance and variety of miracles.

May the heavenly gifts be with you, and may you know the paternal benevolence and the grateful affection we feel for you. To you, beloved Son, and to your clergy and people, we impart, with paternal love, the apostolic blessing.

Given in Rome, at St. Peter's, on the thirteenth day of February, in the year 1910, the seventh year of Our Pontificate.

PIUS PP. X.

[*Latin ed. p. 145*]

To the Most Illustrious and Reverend Monsignor Francesco Saverio Haberl, Domestic Prelate of His Holiness and General President of the "Santa Cecilia" Association of GERMANY, RATISBONA (Bavaria).

His Holiness has learned that, particularly in GERMANY and among German nationals in the United States of America, a completely false opinion is spreading concerning the VATICAN edition of the liturgical chant, an opinion that is very prejudicial to the uniform restoration of the same chant throughout the Church. It is being insinuated that the Holy Father, in publishing this edition, did not intend to include any special form of rhythm, but rather to leave to individual music masters the faculty of applying to the series of notes, taken materially, that rhythm which they deem most suitable.

How false this statement is can be deduced even from a simple examination of the VATICAN edition, where the melodies are evidently arranged according to the system of what is called "free rhythm," of which the main rules of execution are even reported and instilled in the preface of the *Graduale Romano*, so that all may adhere to them and the chant of the Church may be uniformly performed by all. Furthermore, as is well known, the pontifical commission entrusted with the compilation of the Gregorian liturgical books, from the very beginning and with the open approval of the Holy See, expressly intended to mark the individual melodies of the edition with this rhythm.

Finally, the approval given by order of the Holy Father by the Holy Congregation of Rites to the *Graduale Romano*, as it extends to all the special norms by which the VATICAN edition was composed, so too it includes the rhythmic form of the melodies, which is therefore inseparable from the edition itself. Consequently, in this Gregorian restoration, it has always been and is still entirely alien to the mind of the Holy Father and the Holy Congregation of Rites to leave to the arbitrariness of individuals such an important and substantial element as is the rhythm of the melodies of the

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Church.

The Reverend Monsignor, by reason of the great authority he enjoys as General President of the meritorious German Association, is invited to inform all members of S. Cecilia of the present communication, and at the same time to urge those devoted to sacred music to desist from attempts which, in the present state of archaeological, literary, and historical studies, cannot produce any serious and acceptable results. They serve only to confuse the minds of the less experienced and to...

[*Latin ed. p. 146*]

Acts of the Apostolic See. - Official Commentary. To alienate minds from the Gregorian restoration, as intended by the Holy Father, and which, moreover, respecting the established order, is not only accepted and, with new and useful studies, is constantly being better illuminated by all the most distinguished Gregorian scholars, but is now practiced with complete and consoling success by countless schools throughout the world. It was my duty to make this clear to you, by special mandate of His Holiness. With sentiments of sincere esteem and obedience, Rome, February 18, 1910. Fr. S. CARD. MARTINELLI, Prefect. NOMINATIONS OF BISHOPS. Decree of the Sacred Congregation Consistorial: The following were appointed: March 4, 1910. - Reverend Father Patricius Ricardus Heffron, rector of the archdiocesan seminary of St. Paul in Minnesota, to the episcopal see of Winona in the United States of America. March 10, 1910. - Reverend Father Carolus Augustin, honorary canon of the cathedral church of Vratislaviensis, to the titular episcopal see of Diocaesarea (Diocesarea) and as Auxiliary to the Most Reverend Lord Bishop of Vratislaviensis (Breslau). March 10, 1910. - Reverend Father Iosephus Alves Martins, archdiaconal canon of the cathedral church of Loanda, to the episcopal see of St. Iacobi Capitis Viridis (St. Giacomo di Capo Verde). ERRATA CORRIGE. An error occurred in the announcement of the appointment of Reverend Father Ioannes Beda as Cardinal in the issue of February 15, 1910; the text is therefore corrected as follows: February 3, 1910. - The Most Illustrious and Reverend Father Ioannes Beda, Bishop of Corneto e Civitavecchia, to the titular archiepiscopal see of Laodicensis in Phrygia, with the office of Apostolic Delegate in the diocese of Perusina (Perugia).

[*Latin ed. p. 147*]

Sacred Congregation of the Sacraments. 147. Sacred Congregation of the Sacraments. Decree concerning dispensations to be granted to Kings and Princes of royal lineage, regarding impediments to marriage. Among the more important causes specially reserved to the Apostolic See, those pertaining to the marriages of princes of royal lineage are also customarily included, excluding all other ecclesiastical superiors from the use of this faculty. However, since those matters which rely on observance and

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custom are not always so clearly and plainly defined that nothing remains ambiguous, in order that no doubt may arise in a matter of such importance, the Most Holy Lord has commanded this Sacred Congregation of the Sacraments to promulgate a suitable Decree on this matter. Therefore, this Sacred Congregation, obeying the commands of the Most Holy Lord Pope Pius X, and declaring, by the express mandate and authority of the same, that dispensations from any impediments to marriage, whether diriment or impedient, which are to be granted to kings and princes of royal lineage, are specially reserved to the Apostolic See, so that all ordinaries and any others whatsoever, constituted in any dignity, are excluded from the use of this power, and that this power is not included in any faculties granted to anyone in any form whatsoever. These present decrees are valid forever, notwithstanding any contrary provisions, even those worthy of special mention. The tenor of this Decree was heard and approved by His Holiness in an audience given by the undersigned Cardinal Prefect on the sixth day of March, 1910. Given at Rome, from the offices of this same Sacred Congregation, on the seventh day of the month of March, in the year 1910. D. CARD. FERRATA, Prefect. L. Eg S. Ph. Giustini, Secretary.

[*Latin ed. p. 148*]

Acts of the Apostolic See. - Official Commentary. 148. S. CONGREGATION OF THE COUNCIL OF PATAVINA (Padua). REGARDING THE DISTRIBUTION OF CHORAL FUNDS. On February 26, 1910. SUMMARY OF THE DISCUSSION. — Since the choral distribution mass, called "Cerneva Maggiore," in the Cathedral Chapter of Patavina was so poorly attended that the service of the choir was likely neglected, therefore Gregory XIII, by his motu proprio "Admonet Nos," on March 7, 1575, ordered, as the Chapter reports, "that the mass of distributions be constituted in three thousand ducats, of six Venetian lire each, and if this sum were not sufficient from the common fund, each canon and dignity, with the revenues of their respective benefices, should contribute to form the three thousand ducats, taking into account the value of the benefice and its fruits." This prescription was subsequently enforced with penalties by Paul V, who, in his apostolic letters in the form of a Brief, issued on November 1, 1627, beginning with the words "In Supremo," decreed: "that any canon who should allow the months of October and April to pass without paying his contribution, should no longer have an active or passive voice in the chapter until he had paid it; nor should he enjoy the daily distributions, threatening with suspension from divine office anyone who should connive at such a disregard." Authentic copies of the motu proprio of Gregory XIII and the Brief of Paul V are lacking in the records. However, this portion, to be paid by each in proportion to their income, was established in the new regulations concerning benefices in 1828, at ten and eighteen livres for every hundred of each canon's income, and is called the "capitular tenth,"

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corresponding to approximately one-sixth of the entire benefice. Now, the largest portion paid is 1275 livres, 73 centesimi, by the archpriest, while the smallest portion paid is 329 livres, 45 centesimi, by the last canon. The total sum assigned for the distribution of choral funds amounts to 9017 livres, 32 centesimi. With these premises for understanding the matter, I must report that this method of calculating the capitular tenth, with regard to the archpriest, seems unfair to the current archpriest, Anthony Rampazzo, who, therefore, on June 2 of the past year, brought this question before the Most Holy Office, and, with a petition submitted in writing, asked: "Whether..."

[*Latin ed. p. 149*]

The Holy Congregation of Councils, concerning the benefits of its own, should exempt at least that part which corresponds to a suitable parish, from the aforementioned burden. Regarding the affirmative: "It must be determined what constitutes such a suitable amount." Regarding the negative: "Should account be taken in the calculation of revenues of the masses celebrated for the people, which are permitted in other benefits with regard to the burden of masses from legacies?" Furthermore: "Can expenses be deducted, both those incurred for the ordinary and extraordinary repair of the immovable property of the benefit, and those used to attract children to Christian instruction and religious schools, or to alleviate the needs of the poor and the sick, and other similar expenses, which burden the parish benefit?" The Chapter, to which the Bishop sent a petition, at the request of the Holy See, for information and a vote, in a meeting of the chapter on the 17th day of the same month and year, unanimously approved the resolution contained in the following terms: "The Chapter, regretting that it had to deal with such a delicate matter, declares itself opposed both to the idea proposed by the Monsignor Archpriest of considering the prebend he holds as consisting of two separate entities, the canonry and the parish congrua; and to the purpose he intends with said separation, namely, to exempt part of the revenues of his prebend from the application of the capitular tithe." To this conclusion, the Chapter came for the following reasons: "1° Because neither the one nor the other (referring to documents of Pope Paul V) makes a distinction in the treatment between the canonical prebend enjoyed by the Archpriest and that of other dignities and canons, regarding the measure in which the so-called capitular tithe must be applied; 2° And this is so true that it has always been and still is used in the declaration of the revenues of each canonry, to the capitular mayor, to take into account in the calculations those enjoyed by the Archpriest, the canonical house that is reserved to him alone, attributing to it a certain rent based on the rules established in the capitular tables for said declaration; 3° Because while all other prebends, due to the subversive laws and the 30% tax, and then the subsequent reduction of public revenue, have been

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constantly diminishing, the Archpriest's prebend, on the other hand, not only did not suffer these circumstances (with the exception of the small part consisting of certificates of public revenue), but was able, due to the improved conditions of agriculture and the consequent increase in land rents, to benefit considerably; 4° Because there is no reason to change a state of affairs so ancient. No new burdens have been added, thus aggravating the condition..."

[*Latin ed. p. 150*]

Acta Apostolicae Sedis. - Official Commentary. 150. Regarding the question of whether a reduction should be made to the prebend due to some supposed inequity, it must be stated that the obligations remain the same, namely those inherent to every parochial benefice, such as the Mass for the people, assistance to the sick, etc.; 5° because the condition of the prebend has not been worsened by external circumstances, but rather has been greatly improved, so that at present it has a net income of approximately seven thousand lire, that is, it is more than double that of the most prosperous of the other prebends, and triple that of the most recent canonries. And it is, in short, sufficient to provide the holder with the means to conveniently fulfill the common obligations inherent in the care of the parish. If, perhaps, in view of the aforementioned obligations, in the reorganization of all the prebends of the Cathedral which took place in 1828, it was deemed sufficient to assign to the Archpriest a benefice that then exceeded that of the other dignities by only 500 Austrian lire, it would seem that the present Archpriest should be all the more content, since, as was said, he has an income more than double that of the best provided of his brethren; 6° because the division of the prebend requested by Monsignor Archpriest with regard to the application of the capitular tithe in the event of "a new vacancy" could give rise to the idea that, as was the case with the other canonries, the part of the benefice separated from the parochial endowment would be subject to liquidation and conversion, with what consequences for the prebend itself, and with what disastrous damage to the other canons who would have to compensate for the Archpriest's eventual smaller contribution to form the mass of distributions, it is easy to imagine; 7° because the Archpriest is such because he holds that specific canonical prebend by which he becomes perpetual vicar of the Chapter for the current care of the parish, while the usual parochial responsibility rests with the Chapter, and the observation that the Archpriest is obliged to contribute (from which it would be inferred that the canon is added to the Archpriest) is irrelevant; because this obligation also applies to the theologian and the penitentiary; 8° finally, because if usage and custom have the greatest value in the present matter, usage and custom, in our case, are entirely contrary to the novelty that Monsignor Archpriest wishes to introduce,

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since the Archpriest's prebend has been consistently taxed like all the others, and none of his predecessors, as far as is known, has ever raised any objections." Furthermore, in addition to his assertions, in which he describes the revenues to support his claims, he adds a table of the individual prebends as they currently exist, and as they were in the year 1828 when the new order was established.

[*Latin ed. p. 151*]

The Holy Congregation of Councils, in the tenth session of the fifteenth general chapter, concerning matters to be resolved. Furthermore, from this scheme, it is evident that the provision granted to the archpriest, after deducting the burdens, which in the year 1828 amounted to barely 4500 livres, is now computed to be 7087 livres, 41. Conversely, the provision granted to the other dignity, namely, that of the archdeacon, which in 1828 was no less than 4000 livres, now amounts to only 2467 livres, 45. And, considering the proportion, it appears that the other provisions have also suffered a significant diminution, so that the last canon, who in 1828 received a revenue of 2500 livres, now receives barely 1880 livres, 28. On the other hand, Archpriest Rampazzo reasons as follows: "Since the archpriest of the cathedral is instituted, just like the other parish priests, through a prior summons and examination, and is presented to the Holy See to be chosen, without any prior vote of the Chapter, and upon being elected, he obtains the canonical dignity by which he rightfully acquires the care of souls of that church, it seems fitting that the parochial office should be considered the primary one, and the canonical dignity as something accessory, although legally connected. From this, I believe that it would not be contrary to justice if at least a part of the income that is due, were separated from the canonical benefit. Nor does it present an obstacle that a theologian, enriched with a double canonry, whether as treasurer or as theologian, should always pay the full tax on the revenues of both, even though he is exempt from reading the scriptural lessons; for this is not because the fruits of the benefice are inseparable, but because the office that he is obligated to perform by virtue of his theological canonry should not be burdened by any expenses whatsoever, which certainly cannot be said of the archpriestal canonry. Moreover, if any argument were presented in favor of the archpriest, it would be this: he is enriched with another canonry so that the office performed by him may be properly compensated." Furthermore, he adds three observations that are relevant to the choral distributions. "Firstly, it is not a reason why such a large sum should be distributed among the twelve canons for their choral residence, namely, 4508 livres, 66 for a semester, when it was established by the Gregorian Bull when the number of canons was twice as large, and now it seems that it should be reduced to less than half. Secondly, it is a harsh imposition that reaches the point where a canon receives absolutely nothing from the distributions, and even has to add

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from his own resources. Finally, it has not been demonstrated by what title the house of the Archpriest is taxed by the Chapter to complete the sum for distribution, when there is none so truly and properly parochial as the canonical house itself." In addition to these, he adds that he was forced to use borrowed money to pay the expenses incurred within three years of taking possession, for the restoration of the buildings.

[*Latin ed. p. 152*]

152 Acta Apostolicae Sedis. - Official Commentary. Regarding properties belonging to the benefice, the total value of which reaches 4490 florins, not including ordinary expenses for their maintenance. With these matters explained, the following points appear worthy of consideration. Firstly, that the Archpriest is obligated to pay the Tithe to the Chapter of Padua, there is no one who can doubt. For, besides the fact that the Archpriest does not deny this, it is clearly evident that Gregory XIII, with his own decree *Admonet Nos*, intended to complete the distribution of funds according to the rule established by the Holy Council of Trent, Session 21, de ref., chapter 3. Furthermore, the Holy Synod had ordered that "a portion of the fruits 'both of dignities and of prebends, of benefices, and of all kinds of stipends' should be separated, and converted into daily distributions, which should be distributed in proportion to those who receive them and to others who are interested in divine matters." Indeed, there is no exception made. And therefore, Gregory XIII himself ordered that "every Canon and Dignitary, with the revenues of his 'own prebend,' should contribute to form three thousand ducats." Secondly, the Archpriest raises the question of whether a portion of his own prebend should be exempted from the contribution to the capitular tithe, since this portion should be considered as a proper parochial allowance and is paid to him not for choral service, but for the care of souls. Furthermore, this appears to be entirely reasonable, and indeed, in many Chapters, the canonical prebend of the parish priest is entirely separated as a proper parochial allowance, which is received by the parish priest, without any consideration of choral service. However, on the contrary, the ancient custom prevailing in the Chapter of Padua, which is probably based on pontifical constitutions and certainly not disapproved of by them, seems to have considerable weight, suggesting that no change should be made in this regard, especially if it is considered that the division proposed by the Archpriest cannot be carried out without infringing on the rights acquired by other canons. 1° Indeed, Gregory XIII ordered that all members of the Chapter of Padua should be subject to the burden of the capitular tithe "with regard to the value of the prebend and its fruits." It is certainly not doubtful that the value of the prebend is considered in terms of the money, according to which, in proportion to the dignity and office, the revenues of the archpriestal benefice exceed those of other prebends, both of canons and of dignities and offices. For in the law given for the office

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and the spiritual function, account is taken of the prebend. - Furthermore, in the same line of offices and dignities, are found the Archpriest Canon, the Theologian Canon, and the Penitentiary Canon; furthermore, the latter two, although they receive from the goods of the Church, do not receive this as a stipend or salary, but as a prebend. - And still in the year 1828, a new determination of revenues for each canon was...

[*Latin ed. p. 153*]

To the Holy Congregation of Councils, concerning the privileges of the Chapter of Padua: "In Naila, a reorganization of the 153 prebends of the Cathedral, which occurred in 1828, it was deemed sufficient to assign to the Archpriest a benefice that surpassed all others. Finally, all bitterness concerning this matter is removed by this observation: observance is the best interpreter of laws and human ordinances; and it has the greatest value in the distribution of goods. Furthermore, it is understood that 'the usage and custom, in our case, are entirely contrary to the novelty that the Monsignor Archpriest wishes to introduce; for the archpriestal benefice, like all the others, has constantly been taxed, and it is known that none of his predecessors, as far as can be ascertained, has ever raised any objections.' 2nd. Nor is the argument presented by the Archpriest valid, when he says: 'Since the Archpriest of the Cathedral Church, just like other parish priests, is instituted by public competition and after an examination; and is presented to the Holy See to be elected, without any prior vote of the Chapter; and that his election takes place so that, having obtained care of the souls of that Church, he may rightfully possess the canonical dignity; it seems fitting that the archpriestal office should be considered the primary one, and the canonical dignity as something accessory, although legally connected. Therefore, I believe that it does not contradict the law if at least a part of the canonical benefice, similar to the *congrua*, is separated from it.' The response is: It is true that the office and dignity of the Archpriest are superior to a simple canonry; it is also true that the office of the Archpriest is the reason why the archpriestal benefice is conferred through competition, without any prior vote of the Chapter; nevertheless, it does not follow that this benefice can be divided into two parts, one of which is primary and is considered like a *congrua*, and the other is accessory and is considered like a canonical benefice, and that only the latter is subject to the capitular tithe. Many things are opposed to this division. The mandate of Gregory XIII is opposed; furthermore, the equality of the archpriestal benefice with the theological and penitential benefices is opposed: these, indeed, although richer than the former in terms of dignity and office for the Canonicals Theological and Penitential, are conferred solely through competition (Benedict XIII, *Pastoralis Officii*); and yet they are not exempt from the capitular tithe according to that part by which they surpass the other benefices; furthermore, the method of conferring this benefice solely

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through competition is opposed; which, although it is understood that the benefice is assigned, is considered in relation to a special office for which it is held, but in order to obtain this specific canonical benefice, to which, in addition to the office of the choir, another office is attached, namely, teaching, or hearing confessions, or administering the Sacraments."

[*Latin ed. p. 154*]

Acta Apostolicae Sedis. "Official Commentary. 154 (Cf. Pastoralis Officii); it is opposed, however, by the reasoning of the Archpriest concerning the so-called 'Congrua Parochialis.' For the true 'Congrua,' which is due either to the Parish Priest or to the Vicar, includes all that is required for the suitable support of the pastor, according to his status and condition (Schmalzgr. L. III, T. 39, n. 120). In the case of revenues assigned for the suitable support of the Vicar of the Chapter, according to his status and condition, these are constituted by a grant from the Archpriest; just as the support of the Canon Theologian and the Canon Penitentiary is obtained through a theological or penitential grant (Pastoralis Officii). And therefore, if, by reason of the 'Congrua Parochialis,' the grant from the Archpriest were to be exempted from the burden of the capitular tithe, it would have to be exempted not only in part, but entirely, which God forbid. Furthermore, as the Holy Congregation has often defined, he who exercises the care of souls in a particular Church, or in a Dignity or Canonry, during the time that he performs parochial duties, even if he does not participate in divine offices, receives daily distributions. For then the service of the parish takes the place of the service of the choir; and therefore, these distributions must be included in the 'Congrua.' Consequently, in this case, that part of the revenues of the Archpriest's grant which is converted into distributions and returned to the Archpriest under the title of distributions, does not lose its character as part of the 'Congrua.' Thirdly. The Archpriest proposes other questions concerning the quantity of the capitular tithe and its distribution. He recalls that Pope Gregory XIII had decreed that the amount of the distributions should be set at three thousand florins when the Chapter had a number of canons double the actual number, and he argues that it is fitting that now, with the number of canons reduced to twelve, the amount of the distributions should also be reduced by half. Moreover, the Archpriest, who pays 538 florins per semester for the capitular tithe, cannot, by reason of his residence, receive more than 365 florins 73 from the amount of the distributions, and therefore it is much more profitable for him to contribute than to receive, which, indeed, seems to be contrary to equity, if not to justice. Indeed, regarding the first point, it does not appear at first glance that there is an inconsistency in reducing the number of canons and the amount of the distributions; but it is necessary to inquire whether the amount assigned for the distributions corresponds to at least one-third of the revenues of each grant, according to the prescription of the Council of

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Trent, Session 21, on reform, Chapter 3. But what is recorded in the acts concerning the revenues of the individual grants is not entirely clear; however, it seems that it can be prudently inferred that, for at least the majority of the canons, and especially for the Archpriest, the amount allocated to distributions represents one-third of all revenues.

[*Latin ed. p. 155*]

& Concerning the Congregation of Councils. It is your lesser opinion, and therefore it is reasonable to infer that the decree of Gregory XIII at that time was probably as follows: that those who held prebends should enjoy the benefits thereof. Regarding the second point, it is alleged that a decision was made in Faventina, Distributiones, on February 22, 1851. However, whether the cited Faventina is applicable to the present case is doubtful. For there, the matter concerned the Chapter of the Collegiate Church of the town of Brisighella, in which, as in the Cathedral of Patavina, the prebends were separate and unequal; therefore, the Bishop decreed that one-third of the individual prebends should assume the nature of a distribution and should then be increased for those who were absent, in proportion to the contribution each had made to the distributions. Furthermore, the Holy Congregation declared that this decree of the Bishop should be observed, notwithstanding any contrary provisions. However, in the case presented, there does not exist a particular law, as there did for the Chapter of Patavina, established by Gregory XIII and by Paul V, which was likely introduced in order to mitigate the difference between the canonical revenues when the prebends were already unequal. Moreover, it must be noted that the division of the distribution among the twelve unequal prebends is not without some difficulty, either in practice or in theory. Quarto. In the calculation of revenues, the same principle should not be applied to the Masses celebrated for the people, which are permitted in other benefices, as is applied to the obligations of Masses arising from legacies. Indeed, the capitular tithe is to be paid by the Canons, taking into account the value of the prebend and its fruits, and, as the law dictates, after deducting pensions and other legitimate charges. These charges are understood to be those which are real and directly burden the prebend; not those which are said to be personal, and which directly pertain to the office of the beneficiary. Indeed, the obligation of celebrating a Mass for the people assigned to him is personal to all and each who actively exercise the care of souls, and is obligatory by divine precept, by reason of the office of Pastor (Council of Trent, Session 23, Chapter 1, on Reform). Therefore, the obligations of Masses celebrated for the people are not among those which are legitimately deducted from the fruits of the prebend, before the capitular tithe to be paid by the Archpriest is determined. Otherwise, one must reason differently when it is a question of the obligations of Masses arising from pious legacies. And first of all, pious legacies for the celebra-

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tion of Masses do not have their own prebendary nature; and therefore, they are not subject to the capitular tithe, which is due by reason of the canonical prebend. Furthermore, the obligations of Masses arising from pious legacies are real obligations which directly burden the very pious legacies, and therefore are legitimately exempted from the imposition.

[*Latin ed. p. 156*]

Acts of the Apostolic See. - Official Commentary. 158, tenth chapter. Furthermore, it must be added that the Holy Congregation has often declared that those sums which we render, left by the pious will of testators for the celebration of Masses, cannot be converted by the Bishop into daily distributions. Fifthly. In the calculation of revenues, the expenses incurred for the repair, whether ordinary or extraordinary, of the property of the benefice must be deducted. Indeed, it is established that any beneficiary, when placed in usufruct, is obligated to maintain the property of the benefice in good condition from the fruits of the benefice; and therefore, according to the disposition of the law, he must maintain all lands, vineyards, meadows, and other similar things; and he is obligated to repair the buildings and other property belonging to the benefice. And these are indeed real obligations; and they weigh so heavily that (as the law establishes) the successor in the benefice is obligated to pay the debts contracted by the predecessor for the benefit of the benefice, and the beneficiary is obligated to render to the successor the expenses of repairs made by him to the property of the benefice. Therefore, the expenses incurred for the repair, whether ordinary or extraordinary, of the property of the benefice must be deducted from the revenues of the same benefice, before any portion of the fruits is converted into daily distributions. Sixthly. In the calculation of revenues, the expenses incurred for attracting boys to attend Christian instruction and the school of religion, or for alleviating the needs of the poor and the sick, and other similar expenses which burden the parochial office, are not considered. In truth, such expenses should be included among those alms to which the beneficiary is obligated, either by reason of his surplus (if any) from the fruits of his benefice, or the parish priest by reason of charity and pastoral care; but they are not considered among those real obligations which weigh so heavily that, according to the disposition of the law, they must be deducted before any portion of the fruits is converted into daily distributions by law. Hence, the following questions are proposed: 1. ° Whether, and in what manner, after the diminished number of canons in the Chapter of Padua, should the mass of distributions be diminished in this case? 2. ° Whether the method hitherto in force in the same Chapter regarding the division of distributions should be reformed in such a way that the sums assigned to each canon are so calculated that the same mass of distributions is assigned in this case? 3. ° Whether any and which part of the archpriest's stipend should be exempt

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from the tenth of the chapter? And to the third question, a negative answer is given.

[*Latin ed. p. 157*]

Sacred Congregation of the Index. 1574. ° Whether and which burdens are to be deducted from the revenues of the archpresbytery, in order to effect the payment of the capitular tithe, in what cases?

DECISION. — The Most Holy Fathers of the Sacred Congregation, in a general assembly, on the 26th of February, 1910, judged it fitting to respond as follows: To Admonition 4, 2, and 3. From what has been presented, nothing is to be altered. Affirmative, only real burdens are to be deducted from the revenues of the archpresbytery.

C. CARD. GENNARI, Prefect.

Basilius Pompili, Secretary.

Sacred Congregation of the Index. DECREE. On the second day of March, 1910.

The Sacred Congregation of the Holy Roman Church, of the Most Reverend and Most Holy Pope Pius X, and the Holy Apostolic See, having considered the books of pernicious doctrine, and their condemnation, proscription, expurgation, and permission throughout the Christian republic, and having met in the Apostolic Palace at the Vatican on the 7th of March, 1910, condemns and pronounces anathema against, proscribes, and orders the following works to be placed in the Index of Prohibited Books:

IOSEPH TURMEL, *jusqu'au concile de* — Tertullian. — Saint ANGEL, *Histoire de Trente*. Paris, *la théologie positive, depuis Gabriel Beauchesne et l'origine* C. I. E. Paris, Bloud et C. Jérome.

PULIDO, *Ibid*.

FERNANDEZ, *Españoles sin patria y la raza sefardí*. Madrid, E. Teodoro, 1905.

Luis de filosofía torial, *La sociología; manual para y de bachillerato y de cultura generat*. Barcelona, casa edi¬ 1909.

— *Sociología criminal; manual para abogados, médicos forenses, estudiantes de derecho y de medicina y de cultura generat*. Ibid. 1909.

— *Antropología criminal; especial para abogados, médicos, diantes de derecho y de medicina y de cultura generat*. Ibid. 1909.

[*Latin ed. p. 158*]

Acta Apostolicae Sedis. - Official Commentary. 158 criminal; doctoral course from the University of Barcelona. Ibid. — Psychology and anthropology 1909. Given in Salona. Therefore, no one of any rank or condition, daring to publish, or to publish and read, or to retain, the aforementioned works, in any place and in any language, shall be subject to the penalties indicated in the Index of Prohibited Books. JOSEPHUS TURMEL and FOR-

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TUNATUS Russo, having submitted to the Decree of the Holy Congregation issued on July 5, 1909, by which certain books written by them were noted and inserted into the Index of Prohibited Books, commendably submitted. These matters, having been reported to His Most Holy Lord Pope Pius X by me, the undersigned Secretary, His Holiness approved the decree and ordered it to be promulgated. As a witness to the truth of which, etc. Given in Rome, on March 9, 1910. F. CARD. SEGNA, Prefect. L. © S. Thomas Esser, O. P., Secretary. SACRED CONGREGATION OF RITES. I. ROMAN DOUBTS CONCERNING THE VOTIVE MASS OF THE HOLY APOSTLES PETER AND PAUL, THE FEAST OF THE NAME AND DEDICATION OF THE CATHEDRAL CHURCH, AND THE NIGHT OFFICE ON THE FEASTS OF ST. FRANCIS XAVIER, ST. ANTHONY OF PADUA, AND ST. ALOYSIUS GONZAGA, AS TO WHEN IT IS APPROPRIATE TO CONSULT WITH THE COMMON CONFESSORS. The following doubts have recently been proposed to the Sacred Congregation for a suitable solution: namely: I. Whether, in the votive Mass corresponding to the votive Office of the Holy Apostles Peter and Paul, celebrated on the Vigil of All Saints, on October 30th or 31st, the third Collect should be "Grant to Thy servants through the Blessed Virgin Mary," or rather, "God, who the hearts of the faithful are inflamed by the Holy Spirit," as prescribed in the second Collect for that Vigil. II. Whether the Feast of the Name and Dedication of the Cathedral Church, with its Octave,

[*Latin ed. p. 159*]

Sacred Congregation of Rites. Regarding the celebration outside the Cathedral itself, should it be considered a primary or secondary feast day? III. Whether the Feast of the Dedication of the Cathedral Church, along with its Octave, celebrated outside the Cathedral, should be considered a primary feast day, or rather a secondary feast day? IV. In the feasts of Saints Francis Xavier, Anthony of Padua, and Aloysius Gonzaga, if, for the Nocturnal Office, reference is made to the Common of Confessors, should the readings be taken from the first, or rather from the second place? And the same Sacred Congregation, having heard the opinion of the Liturgical Commission, after careful deliberation, decided to respond as follows: To I. Affirmative to the first part; negative to the second, in the case proposed. To II. Affirmative to the first part; negative to the second, according to the General Decree No. 0 3810, of August 27, 1893. To I. To III. Affirmative to the first part; negative to the second, according to the General Decree No. 3863, concerning the Celebration of the Feasts of the Patron of the place, the Dedication, and the Title of the Church, of July 9, 1895, to II and III, where the Cathedral Church is said to belong to all the clergy either by reason of benefice, or by reason of subjection, even for those of regular observance. To IV. Negative to the first part; affirmative to the second. And thus it was decreed, on February 16, 1910. Fr. S. CARD. MARTINELLI,

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Prefect. L. © S. Philip Canon of Fava, Substitute. IL PARENTIN AND POLA. CONFIRMATION OF THE CULT RENDERED TO THE SERVANT OF GOD JULIAN CESARELLO DE VALLE, PRIEST OF THE ORDER OF MINOR FRATERS, NOW KNOWN AS SAINT AND BLESSED. A recent review, arranged chronologically, has appeared, very opportune and useful, for commemorating the seventh centenary of the Order of Minor Fratres, listing all the students who belong to the three Franciscan Orders, those who, from the beginning, have been recognized and declared by the Church as Saints, Blesseds, or Venerables, under the guidance of the venerable Father. No one fails to see how much this hagiographic catalog contributes to the goodness of the tree and the fruit thereof.

[*Latin ed. p. 160*]

160 Acta Apostolicae Sedis. - Official Commentary. To demonstrate and foster devotion in Religious Brothers and Sisters, now and in the future, the examples of the virtues and the trust in the protection of these individuals are added. To these are added other Servants of God renowned for their sanctity, whose cause for beatification, whether formal or equivalent, is in progress through the ordinary or extraordinary process, or has been exempted or is being considered by the Sacred Congregation of Rites, or is already underway. Among these latter is the Servant of God, Julian Cesarello De Valle, a professed priest of the Order of the Minor Friars, now called Blessed, who flourished in that first century nearing its end, and whose immemorial devotion or cause has been confirmed this year. Julian was born in Castro Valle, in Istria, from the honorable family of Cesarello. He was received into the Order of Saint Francis and, as the oldest monuments attest, was raised to the priesthood. He led a life renowned not only for his virtue but also for his works and his preaching, especially in the monastery of Saint Michael, located on the hill of the same name near Valle, which the Camaldolese monks had abandoned and which the Franciscan Friars had taken over. Inspired by divine love and dedicated to the salvation of souls, he traversed the villages and castles of Istria with his sacred ministry, and he was also a peacemaker, reconciling the minds of citizens who were at odds; and as a sign of this apostolate, he is represented in sculpted or painted images holding a book in one hand and a cross in the other. Finally, rich in years and merits, he passed away in the same monastery, under the protection of the Prince of the Heavenly Host and the Patron of the militant Church. Few memories remain of the life, works, and death of this Servant of God, and neither his year of birth nor his year of death is known. The rest was probably recorded in writing but, due to the vicissitudes of public affairs and internal and external upheavals, was easily lost. This is not the case with the documents and monuments relating to his cult, which, in fact, are abundant. These documents, which were presented to him from the time of Julian's death or shortly thereafter, and which have been continu-

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ously expanded and continue to this day, include the procedural acts, along with the subsequent opinions of the Most Reverend Bishops of Parentino and Polensis. Among the ancient writers to be remembered are: an anonymous author in a codex entitled "Provinciale Ordinis Fratrum Minorum" preserved in the Vatican Library under number 1960, written around the year 1343 and published by Father Conrad Eubel in 1891; Bartholomew of Pisa in his book "De conformitatibus, scilicet vitae Beati Francisci ad vitam Domini Nostri Iesu Christi," published between the years 1385-1395, and in the book I of "De Provincia Dalmatiae"; a manuscript codex compiled by Father Mark Anthony Rota, a priest of Venice, and Canon of Castro Valle, in the year 1570; the Franciscan Martyrology by Arthur of the Monastery, in the year 1638; and the Menolo-

[*Latin ed. p. 161*]

The Holy Congregation of Rites. Fortunatus Hueber, in the year 1698, and Waddingus in his work, or Annals, in the year 1733, attest that monuments and trustworthy witnesses, along with constant tradition, teach of the title of Saint and Blessed, inscribed and invoked, of the vineyard, school, and pious confraternity established under the name and patronage of the Blessed Julian, of the liturgical feast with the panegyric prayer, of the altar erected and the lamp burning before it, of the images with the signs of blessedness and relics exposed for public veneration, of the chapels and temples dedicated to this Blessed one. Furthermore, the statutes of the Vallensis Community from the 15th century, that is, the year 1477, recognize Saint Julian as the patron of the place. Ancient and more recent calendars, such as the codex of Mark Rota mentioned above, commemorate three feasts dedicated to Julian: in May, "The Feast of Saint Julian the Confessor"; in June, "The Dedication of the Altar of Saint Julian"; and in July, "The Translation of Saint Julian." Of these, the first day of May was, and is, observed in the Church of Vallensis with greater popular attendance and devotion, and with magnificent rites, through solemn Masses and Vespers, and also with a public supplication in which the reliquiae, or relics, of the Blessed one, the titular saint, are carried in procession. Furthermore, a plenary indulgence was granted by Apostolic Letters in the form of a Brief by His Holiness Pope Pius V on February 26, 1793, in the usual form for the faithful who visit the aforementioned church, announced on the first day of May, on the primary and most solemn feast of Saint Julian. These and other facts are found in the aforementioned records of the Ordinary Process of Parentino and the subsequent sentence of the Bishop, to prove the ancient cult dedicated to the Servant of God Julian, or the exceptional case according to the decrees of His Holiness Pope Urban VIII. Given these circumstances, the Reverend Father Francis Maria Paolini, General Postulator of the Order of the Friars Minor, and the Eminent and Reverend Cardinal Francis of Paula Cassetta, Bishop of Sabina and Promoter of this

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Cause, proposed the following question for discussion in the meeting of the Congregation of Sacred Rites held at the Vatican: "Should the sentence pronounced by the Reverend Bishop of Parentino and Polen regarding the aforementioned cult rendered to the Servant of God from time immemorial, or regarding the exceptional case from the decrees of His Holiness Pope Urban VIII, be confirmed in this case and for the purpose in question?" And the Eminent and Reverend Fathers presiding over the Sacred Rites, after the report of the aforementioned Promoter, and after hearing the Reverend Father Alexander Verde, Promoter of the Holy Office, having carefully considered all matters, decided to write: "Affirmatively, that is, the sentence should be confirmed, if it pleases the Most Holy." On February 15, 1910. All of which was reported to His Holiness Pope Pius X by the undersigned Cardinal Prefect of the Congregation of Sacred Rites.

[*Latin ed. p. 162*]

Acta Apostolicae Sedis. - Official Commentary. 162 His Holiness approved and ratified the aforementioned decree of the same Sacred Congregation on the 3rd day of the same month and year.

F. R. S. CARD. MARTINELLI, Prefect.

L. Eg S. Philippus Can. Di Fava, Substitute.

III. MELITEN. (Malta).

REGARDING THE BEATIFICATION AND CANONIZATION OF THE VENERABLE SERVANT OF GOD, ADELAIDES CINI, FOUNDRESS OF THE HOSPITAL OF THE HOLY HEART OF JESUS IN MELITA.

Inspired by the doctrine and example of the Divine Redeemer, who said, "For I came not to call the righteous, but sinners to repentance," the saints and the just, while concerned with their own spiritual perfection, also diligently sought the salvation of others. Some, following a special vocation, did not cease to strengthen those who were in danger and wavering in the way of the Lord, to raise up those who had fallen and gone astray, to cleanse them from vices, to lead them back to the right path, and to place them in a safe place. Among these, Adelaides Cini, Foundress of the Hospital of the Holy Heart of Jesus in Melita, is highly praiseworthy, who, in these latter times, is the third to be honored on the island and in the Church of Melita, after the venerable M. Adeodata Pisani, a professed nun of the Order of Saint Benedict, and Ignatius Falzon, a secular cleric, whose cause for beatification is already underway and follows with the best of prospects.

Born in the city of Valletta, on the island of Melita, on October 25, 1838, to Michael Cini and Carmela Galea, pious and honest parents, she was on the same day cleansed with the laver of regeneration in the Basilica of Santa Maria de Portu Salvo; the Cini family numbered seven sons and six daughters, among whom Adelaides was the youngest. Having been religiously

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instructed by the care and example of her parents, the girl daily attended the temple of the Carmelites to assist at the holy Mass; in the evening, she recited the Rosary with her household and workers; on every Thursday of the week, she diligently participated in the exercises held in honor of the Blessed Virgin Mary of Mount Carmel (Haifa), which included the eucharistic blessing. Furthermore, she dedicated the month of May to the Virgin Mother, adorning the altar in her home with flowers and candles, and offering prayers accompanied by good works. This family consistently practiced these exercises of piety, even after they moved from Valletta to the place called Harum, where they established their home. Thus, Adelaides, from her youth, was endowed with virtue and...

[*Latin ed. p. 163*]

S. Congregation of Rites. The increasing fervor of her devotion demonstrated the signs of a divine vocation to choose a state of life more perfect. These signs shone more brightly after she had been admitted to the Sacred Synaxis and confirmed with sacred chrism, and she devoted herself to the study of letters; at this time, she gained the esteem and affection of her teachers and companions. In her parental home, or in school, or in the temple, diligently attending to her duties, the excellent young woman, having reached the age of just over eight years, was considered by her parents for marriage, and they sought to arrange the matter. But unforeseen events occurred, and Adelaide, always ready to obey the divine will, experienced no sorrow or disturbance of mind. Indeed, with repeated and fervent prayers, she sought and obtained a special light from God regarding the choice of her state of life, especially through the sacred exercises held in the temple of Santa Venera by the Fathers of the Society of Jesus. It was then that, recognizing herself to be called to greater graces, she put aside the colorful and ornamented garments that were fitting for a young girl, and put on a black and simple habit. She also requested permission from her father to enter a cloister and there pronounce her religious vows. Her beloved father hesitated to give his consent, both because he wanted to test and prove his daughter's vocation, and because he still needed her help and companionship at home. Meanwhile, the handmaid of God did not remain idle, and she encouraged the girls in the temple of Santa Venera, and began to instruct them in Christian doctrine and in the proper preparation for the sacraments. Shortly after, her father died, and, burning with a desire to embrace the cloistered life, she offered herself to various monasteries, but, suffering from a weak constitution, she was unable to enter any of them. Finally, she arrived at the Augustinian monastery, named after Saint Catherine, where it is worthy of note that the Reverend Mother, seeing the virtuous Adelaide requesting to enter, said to her: "Jesus Christ does not want you to enter the cloister, but rather He wants you to place girls and women in danger or who have gone astray in safety, or to lead them back

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to the path of His commandments." And when she asked, "How could I accomplish this?" the nun replied, "Do not be afraid, for God will provide you with the strength and resources." Then, the humble handmaid of God, following the example of the Blessed Virgin greeted by the Angel, concluded: "Let what God wills be done in me." Thus encouraged to live in this way, and with the advice of her spiritual director, Father John Tabone, prefect of the missionaries, she set about a very arduous task, with the divine Providence intervening in a marvelous way. Indeed, a certain John Asphar, of Indian nationality, strongly encouraged Adelaide in this special apostolate, with great favor and a large sum of money. She first helped a Sicilian woman named Carmela, who was of great beauty.

[*Latin ed. p. 164*]

164 Acta Apostolicae Sedis. - Commentarium Officiale. Indeed, it was a place of outward beauty, but marred by the corruption of morals, whose conversion she attempted, beginning with a gentle and familiar conversation, proceeding along the way, and concluding in the temple, where that woman, moved by the fervent exhortations of the Servant of God, shedding tears of true contrition, resolved, under His guidance, to walk steadfastly in the law of the Lord. This conversion, aided by the Blessed Virgin Mary, to whom she had given a sacred medal, was completed by Adelaide's sermons, especially the sermon on scandal, delivered by an ecclesiastical orator, so that the woman, deeply lamenting her past life and the sins committed against the law of God, made a general confession and, following her humble and penitent Mother and Mistress in Christ, went to the house near Saint Venera. Shortly afterward, she entered the asylum of the Good Shepherd, to atone for the time lost and her sins. While living in this asylum, she gained such esteem with the superiors that she was sent to a large city in Africa, and was even chosen as the director of another asylum for penitent women. There, fulfilling her mission with great merit, she lived until her death. Thus, with these beginnings crowned with a happy outcome, Adelaide, guided by the Spirit of God, explored more cities with greater zeal and diligence, among which were Lodi, Victoriosa, Conspicua, and especially Vaux, to gather, care for, and convert women of doubtful or lost reputations, in homes open to that purpose or in houses intended for childbirth. Not only concerned for mothers, but also for children, those lacking a legitimate or certain father, she entrusted them to this or another nurse, providing them with her own money or alms, thus providing for the salvation of their bodies and souls. With singular diligence, through herself or through other pious women, she provided honest work for girls and women, or arranged for legitimate marriages, or found safe employment with virtuous families. She entrusted some of the women to the Sisters of the Good Shepherd to live a life of penance, as needed, and she never ceased to offer these poor souls a suitable refuge in her paternal home.

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Part of the house, which had come to her by inheritance, was assigned to the Magdalens, while the rest, which she had bought, was dedicated to orphaned girls, abandoned and in danger, until, when the Magdalens were safely placed elsewhere, the entire house remained reserved for the care and education of these girls. This expanded hospice was dedicated by the Servant of God to the Sacred Heart of Jesus, from which it also received its glorious name. Thus, Adelaide devoted herself to a double work, serving both Magdalens and girls, with a ministry full of charity and religion, as long as she lived. She herself, with the love with which she burned for the suffering Christ and the Virgin Mother, constantly instilled this love in others, so that they might work for their own salvation with fear and trembling, and receive the holy sacraments properly.

[*Latin ed. p. 165*]

The Holy Congregation of Rites. She received 165 souls, comforted those detained in the expiatory prison, and loved God with all her strength, observing His law integrally and diligently. She also took care that the heavenly and earthly patrons, especially the Patriarch Joseph, Nicholas of Bari, Cajetan of Thiene, and Aloysius Gonzaga, were venerated with devout and filial affection. Finally, after so many labors, weakened by a broken heart and subsequent dropsy, she was forced to rest at home. Yet, even in her infirmity, she devoted herself to domestic duties, refreshed by the daily Communion of the most holy Eucharist. However, this double illness worsened for a month, bringing her to the extreme, and after receiving the sacraments of the dying, among the girls, both orphans and penitents, who were then living in the asylum, and weeping and praying together with a priest present, after she pronounced the words: "Into thy hands I commend my spirit," she exhaled her pious soul, on March 28th, on the Saturday before Palm Sunday, in the year 1885. The body of the deceased remains exposed in the chapel of the hospice, so that it may fulfill the wishes and devotion of the citizens from all walks of life who visit, where many Masses are celebrated, and the girls and their teachers pray for the eternal happiness of the beloved mother's soul. The following day, "after the funeral rites were performed, she was taken to the cemetery called the "Virgins' Cemetery" and buried with religious solemnity. After sixteen months and again after fourteen years, she was exhumed and, until now, rests in a separate tomb. In the meantime, the fame of Adelaide's sanctity, which she acquired during her life, has become so clear after her death and with the passage of time, that an informative process about her was prepared in the ecclesiastical court of Malta, the Ordinary Authority, and sent to the Holy Congregation of Rites in Rome. Hence, at the urgent request of the Reverend Father Alphonse Canon of Carinci, the promoter of the cause, and after considering the petitions of certain Eminences of the Holy Roman Church, of several Reverend Sacred Prelates, as well as Chapters,

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Religious Orders, nuns, and sisters, nobles, and sodalities, especially from the island of Malta, and with the Eminence and Reverend Lord Cardinal Dominic Ferrata, the Promoter of the Cause, and his colleague, the Relator, in an ordinary meeting of the Sacred Congregation, signed on the date indicated, convened at the Vatican, the following question for discussion was proposed: "Whether a Commission should be appointed for the introduction of the cause in the case and for the purpose in question." And the Eminences and Reverend Fathers presiding over the Sacred Congregation for the Propagation of the Faith, after the report of the Eminence, and after hearing the Reverend Father Alexander Verde, Promoter of the Holy Faith, after carefully considering everything, decided to write: "Affirmatively, or that the Commission should be appointed, if it pleases the Most Holy." On February 15, 1910. These facts were later brought to the attention of Our Most Holy Pope Pius X.

[*Latin ed. p. 166*]

166. Acts of the Apostolic See. - Official Commentary. By the undersigned Cardinal, Prefect of the Congregation for Sacred Rites, His Holiness, having approved the report and ratified the Decree of the aforementioned Congregation, deigned to sign with his own hand the Commission for the introduction of the Cause of the Venerable Servant of God, Adelaide Cini, Foundress of the hospice of the Sacred Heart of Jesus, in Malta, on the 23rd of the same month and year. Fr. S. CARD. MARTINELLI, Prefect. L. £g S. Philip, Canon, Di Fava, Substitute: IV. CHINA. FOR THE CANONIZATION OF THE BLESSED JOHN OF TRIORA, PRIEST, OF THE ORDER OF THE FRATI MINORI. By Apostolic Letters in the form of a Brief, beginning with the words "Fortissimorum virorum," from Our Holy Father Leo XIII, dated May 7th, in the year 1900, the solemn Beatification was celebrated in the Patriarchal Basilica of the Vatican of seventy-seven martyrs from Tonkin, Cochinchina, and China, belonging to four religious families, namely, the Society for Foreign Missions, the Order of Preachers, the Congregation of the Mission, and the Order of the Friars Minor. Of these, all were foreigners by nation, with the exception of one, John Lantrua, called of Triora, born in the town of Ventimiglia, in the diocese of Liguria, who, being a professed priest of the Order of the Friars Minor and a missionary in the Chinese Empire, was captured by the pagans for his Catholic faith, thrown into chains, and condemned to death, and was crowned with a glorious martyrdom. Soon after, the institutions were established and, within a year of the solemn Beatification, triduum celebrations were held in honor of the Blessed John, with a large gathering of clergy and people, in the churches of the Order. The cult and devotion to the Blessed John grew and increased from day to day, especially in the Ligurian region and in the city of Rome, where His body rests in the venerable Temple of the Ara Coeli, because of the graces that the faithful, praying and trusting, implore and

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attribute to Him with a grateful heart. Indeed, after the veneration of Him was granted by the Apostolic See, new miracles are reported, wrought by divine power, through the invocation and intercession of the Blessed John. Moved by these things, the promoters of the Cause decided to proceed further and to promote the Cause still further, confident in the firm and solid hope that they would soon achieve the desired and hoped-for solemn canonization. Wherefore, at the urgent request of the Most Reverend Father Francis Maria Paolini, General Postulator of the Order of the Friars Minor, and after considering the postulatory letters of the Most Eminent and Most Reverend Lords...

[*Latin ed. p. 167*]

Sacred Congregation of Rites. 167. His Holiness, Cardinal A. Rinaldini, together with certain Roman Sacred Prelates, and especially the Most Reverend Lord Ambrose Daffra, Bishop of Ventimiglia, in whose diocese the Blessed John of Triora was born, as well as then Reverend Father Dionysius Schuler, Minister General of the entire Order of the Friars Minor, and then the Reverend Father Minister of the Roman Province, and the Brothers of the same Province, and the Convent of Ara Coeli, in whose church the sacred relics of the Blessed John are religiously preserved and venerated with particular piety, and His Eminence and Most Reverend Lord Cardinal Francis of Paula Cassetta, Bishop of Sabina, and the proponent or relator of this cause, in the meetings of the Ordinary Congregation of the Sacred Rites, held on the date indicated at the Vatican, proposed the following question for discussion: "Whether a commission should be appointed for the resumption of the cause in the case and for the purpose of which we are speaking?" And the Most Reverend Fathers, entrusted with the preservation of the sacred rites, after the report of the aforementioned proponent, and after hearing the Reverend Father Alexander Verde, Promoter of the Holy Faith, considered it advisable to respond: "Affirmatively, that is to say, a commission should be appointed for the resumption of the cause, if it pleases His Holiness." On February 15, 1910. Subsequently, a report on these matters was made to His Holiness, our Lord Pope Pius X, by the undersigned Cardinal Prefect of the Sacred Congregation of Rites, and His Holiness, approving the judgment of the aforementioned Sacred Council, deigned to appoint a Commission for the Resumption of the Cause of Canonization of the Blessed John of Triora, a martyr, a professed priest of the Order of the Friars Minor, on the 23rd day of the same month and year. Fr. S. CARD. MARTINELLI, Prefect. L. © S. Ph. Can. di Fava, Substitute. v. AURELIANENSIS (Orleans). CANONIZATION OF BLESSED JOAN OF ARCH, VIRGIN, A YOUNG WOMAN OF ORLEANS. Among the solemn beatifications, carried out in the patriarchal Basilica of the Vatican in the year 1909, that one will never be forgotten from the memory of men, in which, on the Sunday in White, through Apostolic Letters in the form of

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a Brief from His Holiness our Lord Pope Pius X, the blessed honors of the Venerable Joan of Arch, a young woman of Orleans, were first conferred upon her. Not only citizens, but also foreigners, and especially from the French nation, and all the Bishops, gathered at that Basilica.

[*Latin ed. p. 168*]

168 Acta Apostolicae Sedis. - Official Commentary. Guided by piety and religion, those who venerate the aforementioned Virgin with admirable purity and fortitude, raise their eyes and extend their hands, as if with one voice, greeting her with devotion, exclaiming: "This is the day which the Lord hath made: let us be glad and rejoice therein." The splendor of the temple itself, with its shining expanse and magnificence, the order and splendor of the worship and ceremonies, the outpouring of joy and fervor in the hearts of those present, and the presence of the entire College of Sacred Rites, together with the Chapter and the Vatican clergy, who attended the pontifical Mass celebrated by the Bishop of Aurelianensi in the morning, and in the evening, the sacred function before the Most Holy Sacrament publicly exposed and before the image of the Blessed Joan, placed high above the altar of the Cathedral, with the Supreme Pontiff Pius X present and praying, surrounded by the sacred purple vestments; all of these things greatly contributed to the solemnity and religious devotion. The common devotion, the common prayer to Christ God, King of kings and Lord of lords, for the Church and the Fatherland, of the Supreme Pastor, all the present dignitaries and faithful, and of the glorious Virgin, the Blessed Joan. How much and how great the increase in devotion, piety, and trust in the newly blessed one is evident from the triduanal celebrations held within the year following her beatification, with great solemnity, diligent study, constant attendance, and abundant spiritual fruit, in the cities and dioceses of Galliae and other regions, as well as from the recent petitions presented to the Sacred Rites Congregation, requesting the establishment of a feast day with its own office and Mass, recently approved in honor of the Blessed Joan, as an example and a model. Furthermore, many graces, indeed, and even miracles, are attributed to her merits and intercession obtained from God, after the Apostolic See granted veneration to the same Blessed Joan. Therefore, at the urgent request of the Most Reverend Father Xaverio Hertzog, General Procurator of the Society of Saint Sulpitius and Postulator of this Cause, and with the attentive letters of the Most Reverend and Reverend Cardinals Peter Hector Coullie, Archbishop of Lugdunensis and Viennensis, and Louis Henry Lucon, Archbishop of Rhemensis, as well as the Most Reverend Lord Stanislaus Touchet, Bishop of Aurelianensi, and other Archbishops and Bishops of Galliae, the Most Reverend and Reverend Lord Cardinal Dominic Ferrata, the same Cause's Promoter or Relator in the ordinary meetings of the Sacred Rites Congregation, convened in Vaticanum on the indicated day, proposed the following question for

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discussion: "Should a Commission be appointed to resume the Cause, in the case and for the purpose of which we are speaking?" The Most Reverend and Reverend Fathers entrusted with the preservation of the Sacred Rites, after the report of the aforementioned Promoter, and after hearing the Reverend Father Alexander Verde, Promoter of the Holy Faith, having diligently considered all matters, responded: "Affirmatively, that is, yes."

[*Latin ed. p. 169*]

169 The Roman Rota. "It is to be signed by the Commission, if it pleases the Most Holy [Father]." February 15, 1910. With all of the above having been reported to the Most Holy Lord, Our Pope Pius X, through the undersigned Cardinal Prefect of the Congregation of Sacred Rites, His Holiness, having approved the decree of the aforementioned Sacred Council, deigned to sign the Commission for the resumption of the cause of canonization of the Blessed Joan of Arc, Virgin, a maiden of Orleans, on the 23rd day of the same month and year. Fr. S. L. CARD. S. MARTINELLI, Prefect. "Philip Can. Di Fava, Substitute. SACRED ROMAN ROTA OF CRACOW. NULLITY OF MARRIAGE. 1. Under the happy reign of Pope Pius X, in the seventh year of His Pontificate, on January 21, 1910, the Most Reverend Fathers, Seraphinus Many, Ponens, Franciscus Heiner, and Ioannes Prior of Tournon, in the cause of the marriage nullity of Mrs. Sophia Krasinska, represented by the clandestine marriage, to Mr. Severinus Chelkowski, with the intervention of the insistent advocate Nazarenum Ferrata, and the Defender of the Bond, acting ex officio, pronounced the following judgment: Sophia Krasinska and Severinus Chelkowski contracted marriage in Cracow, on January 28, 1892, in the church of the Carmelites, with the marriage being blessed by the Reverend Father Prior of the convent, and in the presence of the parish priest, Reverend Mikulski. However, for various reasons, the common life became intolerable, and Sophia Krasinska, having heard from a lawyer in Warsaw that her marriage to Severinus might perhaps be null due to the aforementioned clandestine marriage, began to challenge her marriage as null on account of the aforementioned cause, and, with a decree from the Sacred Congregation, on May 15, 1908, the cause for investigation and determination was entrusted to the Most Reverend and Eminent Ordinary of Cracow, with Sophia Krasinska acting to prove the nullity of the marriage, while the husband [Severinus Chelkowski] remained silent. ACTA, vol. II", n. 4. - March 15, 1910.

[*Latin ed. p. 170*]

170 Acta Apostolicae Sedis. - Official Commentary. concerning Severinus, maintaining its validity. Finally, on June 4, 1909, a judgment was issued determining that the marriage was not null. After Sophia Krasinska appealed against this judgment, the case, with newly discovered documents, was transferred to the Sacred Congregation of the Council, and then

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to the Sacred Roman Rota, where, on October 12, 1909, both parties agreed with the Reverend Defender of the Bond to resolve the doubt. However, Mr. Severinus Chelkowski declared that he would desist from arguing for the validity of the marriage and would instead argue for its nullity, and on the same day, October 12, he appointed Mr. Advocate Ferrata as his procurator and advocate, who was already the procurator and advocate of Sophia Krasinska, the appellant. Subsequently, an agreement was reached on the following point: Whether the marriage is null in this case. In law, in places where the decree Tametsi, chapter I, on the reform of marriage, of the Council of Trent, has been promulgated, it is required, for a marriage to be valid, that it be celebrated before the proper parish priest, or another priest, with the permission or delegation of the proper parish priest or Ordinary. The proper parish priest is understood to be the priest in whose parish either of the spouses, or one of them, has a domicile or quasi-domicile. In fact, in the present case, we are dealing with places in which the decree Tametsi was promulgated; the decree was promulgated in the place of domicile of the groom, Severinus Chelkowski, that is, in the diocese of Posen; likewise, the decree was promulgated in the place of domicile of the bride, Sophia Krasinska, that is, in the diocese of Zytomierz; for this diocese, now in the province or government of Kiev, belonged to the ancient Kingdom of Polonia, in which the decree was promulgated under the reign of King Sigismund. Furthermore, even if the decree had not been promulgated in the domicile of either of the spouses, it would not be relevant to the present case; for it is certain that the decree was promulgated in the place where the aforementioned spouses contracted their marriage, that is, in Cracow; moreover, this is now entirely settled among the doctors of law, and has been resolved or decided on more than once by the Sacred Roman Congregations, namely, that when those who are to be married come even from a place where the decree has not been promulgated, to a place where it has been promulgated, they are bound by the decree, even if in this place they do not acquire a domicile or quasi-domicile. Furthermore, the parish priest Mikulski, before whom the marriage was contracted, was not the proper parish priest of the spouses. It is true that the parents of the bride, the spouses Krasinski, once lived in Cracow, in a house purchased by them at Platea (or Via) Wolska, no. 12, which street is in the territory of the parish of All Saints, of which at that time the administrator was the parish priest Mikulski, but 1. ° they did not live there except during the last few months.

[*Latin ed. p. 171*]

The Roman Rota, in the years 1887 and the first part of 1888, and for the remainder of the time, resided either in their estates in Ukraine, or in Warsaw; however, after the death of her husband in the year 1890, Lady Julia Olga Krasinska, the mother of the bride, lived with her children in Ukraine, and in the year 1891 in Warsaw; there, at the time of the marriage,

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she resided with her daughter Sophia, the bride of Severinus Chelkowski; 2. A few days before the marriage, the mother and daughter departed for Cracow, in order that the marriage might be celebrated there; however, they did not remain there for more than a very few days, namely one or two days before, and also one or two days after the marriage; 3. In Cracow, they did not reside in the aforementioned house on Wolska Street, but in the public hotel, Grand-Hotel; for that house had been rented out since the year 1890 to the family of Zamoyski, and, as perhaps even before (according to the testimony of Countess Zamoyski), it had been entirely and completely rented out, so that Countess Krasinska had reserved no room for herself; and therefore, whether at the time of the marriage, or perhaps on other occasions, Countess Krasinska, when coming to Cracow, resided in the hotel; the family of Zamoyski retained the house until its sale in the year 1894; 4. Consequently, it was publicly declared by the officials of Cracow that Lady Sophia Krasinska had not resided in Cracow from the year 1890 up to the 26th of January of the year 1892; however, her name was found written on the 27th of January, 1892, in the Grand-Hotel; 5. Furthermore, Julia Olga Krasinska, the mother of the bride, whose home was shared by her daughter Sophia, had abandoned all thought of returning to Cracow; for her husband, Count Krasinski, had not purchased that house on Wolska Street except with the intention of obtaining Austrian citizenship for himself and his family; but having obtained that goal, and after the death of her husband, nothing could any longer retain his widow in Cracow, nor could it call her back here. Therefore, Countess Krasinska, on the 1st of June, 1891, gave full power to Mr. Franciszek Slenk to sell the aforementioned house; which clearly demonstrates that the Countess had relinquished her residence in Cracow; 6. As for Severinus Chelkowski, he did indeed come to Cracow in order to celebrate his marriage with Sophia, but only for a brief stay; for he came there several days (perhaps 15) before the marriage, in order to make all preparations; he resided in the Grand-Hotel, and left Cracow with his wife one or two days after the marriage.

All of these things clearly demonstrate that neither Sophia nor Severinus had a domicile or quasi-domicile in Cracow at the time of the marriage; and these facts are so obvious that the Reverend Father Mikulski, who, in his legal testimony before the Judge of Cracow, strove in every way to prove that he was competent to bless these nuptials, would not even think of asserting his "competence" on the basis of the domicile or quasi-domicile of either of the betrothed.

[*Latin ed. p. 172*]

Acts of the Apostolic See. - Official Commentary. Nor was it fitting, based on the delegation granted, for the parish priest or Ordinary of either of the parties. For in the parish attestation of the aforementioned marriage, no mention is made of such a delegation, which, however, should have

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been made, and was indeed made whenever a marriage was celebrated by virtue of a delegation (an example of which is found in the parish attestation of the marriage of Hedwig, sister of Sophia, which marriage was also celebrated in Cracow). In the same parish, Mikulski affirms that he did not assist at the marriage by virtue of a delegation from the parish priest or Ordinary of either of the parties. Therefore, there is no difficulty in this matter. However, the title of competence that Reverend Mikulski truly proposed is not more secure, namely, a general faculty or delegation granted by the Holy See. This was asserted by Reverend Mikulski in his legal deposition: "Reverend Serwatowski (who, indeed, succeeded me in administering the parish of All Saints) had the faculty of assisting at the marriages of those who were unable to enter into marriage within the boundaries of [the parish]. However, when Reverend Serwatowski was in the Russian Empire, Father Stanislaus Zaleski, S.J., showed me documents printed by the press, in order to persuade me that I could validly assist at the marriages of such persons. Mr. Chelkowski, however, asserted that his fiancée was among the number of such persons." Therefore, according to Mikulski himself, his title of competence was a general faculty, obtained from the Holy See, to assist at the marriages of those who were unable to enter into marriage in Russia. However, I say that this title is in no way secure. For, firstly, there is no mention anywhere of such a general faculty being in force in the year 1892; indeed, the Cracow Curia requested and obtained a general faculty to delegate to parish priests "to bless the marriages of the faithful subjects of the Russian Empire who, for serious reasons, cannot celebrate marriages before their own parish priest"; but this was obtained later, namely, on March 10, 1896; and moreover, it was granted as a new faculty, considering the particular reasons that moved the mind of the Holy Father, and in no way refers to a previous concession; which undoubtedly indicates that such a faculty did not previously exist; and secondly, in the opinion of the Cracow Curial authorities, there is no mention of this faculty which the parish priest Mikulski claimed to possess; secondly, moreover, the faculty that the parish priest Mikulski said he possessed, as the one that was granted in the year 1896, refers only to "the marriages of those within the boundaries of the Russian Empire"; and those who were unable to enter into marriage within Sophia Krasinska de those boundaries; it was not, as is immediately demonstrated. It must be admitted that the faithful subjects of the Russian Empire, who, by virtue of the laws of the Empire, were registered in the public records of the Orthodox Church (that is,

[*Latin ed. p. 173*]

The Roman Rota (regarding schismatics) could not have permitted a marriage to be contracted unless before an orthodox minister (that is, a schismatic). It must also be admitted that (until very recently, when the

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edict of tolerance was published) this strictness extended even to Austrian citizens, to the Ruthenian Greeks united to the [Catholic] Church, who were subject to Russia, and who possessed property there, so that they were compelled, under the most severe penalties, to receive the sacraments in churches and from schismatic priests. For these, being united [to the Church], had been separated from the religion of their homeland, and therefore were considered rebels, whom it was necessary to bring back to unity by any means possible. But quite different was the situation of Sophia, and her brothers and sisters. On the one hand, they were all Austrian citizens, from the year approximately 1878, when their father, for himself, his wife, and all his descendants, had rightfully acquired Austrian citizenship; on the other hand, they could prove that they were Roman Catholics; thus, Sophia could prove that she was a Roman Catholic, both by the faith of her baptism, administered by the parish priest of "San Giuliano in Balneum," in Italy, and by the authentic attestation of the aforementioned Reverend Mikulski, parish priest in the city of Cracow, dated August 4, 1890, which exists in the records. Therefore, Sophia had absolutely nothing to fear if she received the sacraments in Russia from Catholic priests, and especially if she contracted marriage, before a Catholic priest and in a Catholic church. This is what all the witnesses in the case, when questioned, repeated; this was also asserted by Mr. Chelkowski, who, however, at that time, maintained the validity of the marriage; he said, and repeated several times, before the judge of Cracow, that the marriage had been celebrated in Cracow, not because anything could prevent the celebration of a marriage in Russia, but because his fiancée had a special devotion to the image of the Most Holy Mary, called "Na Piasku," which was venerated with singular devotion in the Church of the Carmelites in Cracow. Therefore, the words previously quoted from Reverend Mikulski must be attributed to a lapse of memory: "Mr. Chelkowski asserted that his fiancée was among the number of such persons," who, that is, could not have contracted marriage in Russia without very serious inconveniences. Indeed, it is clear from the facts that the Krasinski family, having acquired Austrian citizenship, and professing the Roman Catholic religion, had nothing more to fear from the Russian government; for Henry, Sophia's brother, contracted marriage in Vilna, in Russia, in the year 1897, and suffered no harm or inconvenience from it; likewise, Hedwig, Sophia's sister, was solemnly baptized in Warsaw, in Russia, and no harm ever arose for her or her family from this. And it is so far from being the case that Austrian citizens professing the Roman Catholic religion had anything to fear because of marriages publicly contracted in Russia before Catholic priests, that, on the contrary, it was precisely in this way that...

[*Latin ed. p. 174*]

174 Acta Apostolicae Sedis. - Official Commentary. they should have

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entered into, if they wished for civil effects to arise from them. This is expressly testified by the Russian Consul in Rome, last year, 1909, with these words: "The Imperial Consulate of Russie in Rome certifies that, according to 'Russian law, marriage is recognized as legal when it has been celebrated by the 'religious authorities of the religion to which the 'spouses belong, and according to the rite of that religion. If both spouses 'belong to the same religion, their marriage must be celebrated by an 'ecclesiastic of their religion (articles 61 and 65 of the code, volume X, 'in force since 1824 and until the present day). Therefore, a 'young woman, whose father, originally a Russian subject, had 'changed nationality in the legal manner with all his descendants, and 'baptized abroad in the Roman Catholic religion, although according to 'Russian laws on mixed marriages she should have been baptized in the 'Greek Orthodox religion, wishing to marry a Roman Catholic of 'German nationality, or of any other nationality, and being, at the 'time of her marriage, a Roman Catholic, and legally a foreign subject, 'must have her marriage celebrated in Russie in a Roman Catholic 'church, so that the marriage is recognized as valid according to 'Russian law, also in 1892." (This testimony exists in the Acts). Therefore, since Sophia was an Austrian citizen, and could legitimately prove that she was Roman Catholic in religion, she was perfectly free to enter into marriage in Russie, and therefore, the Reverend parish priest Mikulski, even if he truly had that general faculty of which he speaks in his deposition, could never have assisted at her marriage. And in this way, another argument in favor of the validity of the marriage is also resolved. It was thought that, because of the most serious difficulty of celebrating the marriage in Russie, Sophia had been released from the obligation of observing the Tridentine form, and therefore could have recourse to any priest, even one who was not her own parish priest, nor one delegated by him. But, as is evident from the above, there was no difficulty for Sophia in Russie, because she was not among the number of citizens whose marriages were restricted by Russian laws, and therefore she was in no way released from the obligation of observing the Tridentine form. Having considered and diligently pondered all these things, invoking the name of Christ, We, the undersigned Auditors, sitting for the Tribunal, and having only God before our eyes, decide, declare, and definitively sentence: That the marriage between Constare de Chelkowski and the Lady Sophia Krasinska is null, and therefore, with regard to the doubt raised, We respond affirmatively to the Lord Severin; and We declare the appealed sentence to be invalid and to be considered as such; We decree.

[*Latin ed. p. 175*]

Secretariat of State. The expenses of 175 florins are to be paid equally by the Reverend Father Severino Chelkowski and by the Lady Sophia Krasinska. Thus we pronounce, commanding the Ordinaries of the places and the

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ministers of the tribunals, to whom it pertains, that they should enforce this our definitive sentence, and against those who resist, they should proceed according to the norms of the sacred canons, and especially chapter 3, session 25, concerning reform, of the Council of Trent (Tridentini), employing those executive and coercive means which shall appear more effective and suitable for the circumstances. Rome, on the 21st of January, 1910. Seraphinus Many, Prefect. L. J$j S. Franciscus Heiner, Secretary. Ioannes Prior. Reverend Father Tancredes Tani, Notary.

SECRETARIAT OF STATE

I. TO THE Reverend Father AMBROSIUM of Valencia, O.M.C., Provincial Superior of the Fathers Capuchin, FOR THANKS TO BE GIVEN FOR THE EPHEMERIS "EL ADALID SERÁFICO" PRESENTED TO THE MOST BLESSED FATHER.

Most Reverend Father: With your attentive letter, without date, I have received the double collection of the pious Franciscan Review "El Adalid Seráfico," which under your direction is published in that capital, corresponding to the ninth and tenth years of its publication; and I have hastened to inform our Most Holy Father the Pope Pius X, of the sentiments and adhesions from your part, and from the Tertiary Order and other readers of the aforementioned Catholic publication. It is always very pleasing to the troubled heart of the Supreme Pontiff, and a great comfort, to see in your humble Review a means so simple and yet effective for maintaining and fostering solid piety in families, through the Franciscan spirit that breathes in the pages of "El Adalid Seráfico." Continue, therefore, working diligently so that new centers and Tertiary Orders may grow and be established, and so that those already existing may be maintained and nourished with true and solid Christian piety.

[*Latin ed. p. 176*]

Acts of the Apostolic See. - Official Commentary. 176 For this purpose, the Holy Father, with paternal affection, grants a special Apostolic Blessing to you, the Religious of your Province, along with the other Tertiaries and readers of your Review. I take this opportunity to reaffirm my esteem to you, Very Reverend Father, and to remain your most devoted servant. January 24, 1910. R. CARD. MERRY DEL VAL. L. S. To the Most Reverend Father Joseph Raymond Ibarra, Archbishop of Angelorum, concerning congratulations from the Catholic University of Angelopolitana. What you presented to the Most Blessed Father regarding your Catholic University of Angelopolitana, and what the Rector of that University wished to communicate in letters dated December 8, 1909, to the Reverend Apostolic Delegate, have reached His Holiness. For it is most pleasing to the August Pontiff that institutions exist and flourish whose purpose is to instill good morals and

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piety in young men, both those destined for the clergy and those not, and to instruct them all in sacred, civil, and liberal disciplines. Since this has been accomplished in the Catholic University of Angelopolitana within the last two years, so that, as testified by the Ordinary of that Archdiocese, not only students from the same Archdiocese, but also from other provinces of the Republic of Mexico, and indeed from Central America, attend the schools of that University, and with such success that all may give the highest praise to the fruits of the Catholic University of Angelopolitana, the greatest gratitude must be rendered to God, the Most High, and also to the patronage of the Blessed Virgin Mary. All the more, it is of the utmost importance that this institution flourish from day to day, that the Professors of that University follow Saint Thomas Aquinas in the transmission of Catholic doctrine, and that they always have him as their guide and master; and that this University remain entirely and in all respects subject to the vigilance, authority, and mandates of the Apostolic See. This promise, contained in those letters and confirmed by your words, was a great comfort to the mind of the Most Blessed Father, and gave Him good hope that the University of Angelopolitana will prosper more and more each day, and bring forth even better fruits. For this purpose, and also in order to signify in some way how dear the University of Angelopolitana is to Him, the August Pontiff grants to you, and also...

[*Latin ed. p. 177*]

Secretariat of the State. 177. To the Rector, Superiors, Professors, and all Students, a special apostolic blessing is imparted with heartfelt devotion. And I am, and rejoice in being, with the greatest esteem, in Rome, January 1, 1910. Most devotedly, L. Eg S. R. CARD. MERRY DEL VAL. III. TO THE NOBLE AND PIOUS WOMEN TO WHOM THE ASSOCIATION IS CONSTITUTED, THE UNION OF CATHOLIC WOMEN OF THE DIOCESE OF NETENSIS, IN ORDER TO SHOW DUE REVERENCE TO HER HOLINESS.

Most Reverend Lord, the Holy Father, Pius X, has received the devoted address sent to him by this Committee of the Union of Catholic Women, on behalf of all those adhering to the same Union, and He was very pleased to learn, along with the expression of their filial veneration, the zeal with which they have responded to the voice of divine grace, which invited them to a more vigorous Christian apostolate, with the intentions of a generous heart and a willing spirit. His Holiness prays that, through a well-disciplined and constant action of propaganda, this Union may multiply its forces in a numerous host of mothers, wives, and sisters, who, with the fragrance of virtues and the sweetness of affection, will cooperate diligently in leading souls to God and in making Him reign in hearts, families, and society. And for this purpose, the August Pontiff blesses all the members of this Union, and those who, with a noble example of Christian charity, will

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wish to share with them the labors and the reward of this holy apostolate. I gladly avail myself of this opportunity to reaffirm my devotion. Rome, January 29, 1910. Your Servant, L. Eg S. R. CARD. MERRY DEL VAL.

[*Latin ed. p. 178*]

Acta Apostolicae Sedis. - Official Commentary. 178 IV. To the Reverend Canon E. Janvier, concerning the publication of the volume "Sermons of the Sacred Forty Days" of the year 1909. Reverend Monsignor, I have presented to the Holy Father the volume containing your Lenten Conferences of 1909, and His Holiness has received this tribute with great benevolence. The subject which you have addressed is one of those which, in the present times, possesses a particular importance. In many minds, the true notion of law has become obscured: "Outside of those who have remained faithful to the traditional teachings of the Church and to the doctrine which it has received from its Divine Founder, a great number have been seduced by philosophical errors, and by false principles originating from the Revolution." To remind your audience of the true foundation of law, to establish the existence of natural law which is its participation, to show that the legislative power, like all power, comes from God, to indicate the beneficial action of the Church in human legislation, this is a task worthy of the chair of Notre-Dame, which you adorn, following in the footsteps of your eloquent predecessors. It is to traditional philosophy and to the teachings of the faith that you have wished, Reverend Monsignor, to seek the solution to the questions which you raise. Nothing can be more in accordance with the intentions and directions of the Supreme Pontiff: you thus give to the convictions of your audience an unshakeable foundation, and you warn them against the dangers of certain modern philosophies. The Holy Father therefore congratulates you on your persevering efforts, and bestows upon you, with much affection, the Apostolic Blessing. He prays that the Lord may cause to sprout the good seed which you have sown in souls, and that He may bring forth abundant fruits which will be your encouragement and your reward. With my personal thanks for the copy which you sent me, I beg you, Reverend Monsignor, to accept the expression of my most devoted sentiments in Our Lord. January 31, 1910. R. CARD. MERRY DEL VAL.

[*Latin ed. p. 179*]

Secretariat of State. 179 v. TO THE REVEREND FATHER DIACONU JACOBUM VENDAS DE GÉLY, BISHOP OF MINANTE, REGARDING THE BOOK "LE CHRIST ET MA VIE," GRATITUDE IS OFFERED TO THE HOLY FATHER FOR ITS PRESENTATION.

Monsignor, The Holy Father was very pleased by the tribute offered to Him by Your Eminence, in the book entitled "Le Christ et ma vie," in which, so felicitously, are gathered the notions and practices most fitting for the maintenance and development of the Christian life. As a pledge of abun-

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dant Divine favors, His Holiness sends to the pious and modest author His paternal blessing. With my thanks for the copy which was offered to me, please accept, Monsignor, the expression of my entire devotion in Our Lord.

February 11, 1910.

REVEREND CARDINAL MERRY DEL VAL.

L. £& S. VI.

TO THE REVEREND CANON J. L. DE LA PAQUERIE, PRIEST, REGARDING THE BOOK "ÉLÉMENTS D'APOLOGÉTIQUE," GRATITUDE IS OFFERED.

Monsieur le Chanoine, MOST BLESSED FATHER, THE GIFT IS ACCEPTED.

The Holy Father has received with particular benevolence the tribute which you have offered to Him in your two volumes, "Éléments Apologétiques," which bear the approval of religious authority. The interesting and remarkable work which you have just published is truly one of those which merit the task of responding to the demands and necessities of the present times. Thus, in the light of faith, of sound philosophy, and of good sense, and with the support of the Holy Scriptures, of history, and of the data of science, you demonstrate in a simple manner the great truths of the Catholic doctrine, refuting the objections and errors of incredulity. The Holy Father is therefore pleased to congratulate you on the zeal which led you to undertake and pursue this work, the fruit of your reflections and studies, and He does not doubt that the Divine Savior will abundantly bless these pages dedicated to the defense of the religion and to the good of souls.

[*Latin ed. p. 180*]

Acts of the Apostolic See. - Official Commentary. As a pledge of these most precious heavenly favors, His Holiness sends you, with heartfelt thanks, the Apostolic Blessing. I, for my part, sincerely thank you for the two copies that you kindly sent me, and I beg you, Monsignor, to accept the expression of my devoted sentiments in Our Lord. February 22, 1910. R. CARD. MERRY DEL VAL. L, S. VII. TO R. D. RAMIRO FERNANDEZ VALBUENA, OF TOLEDO, FOR THE ACTION OF THE STUDIES PREFECT OF THE UNIGRATIANS, CONCERNING TWO COPIES OF THE WORK "LA ARQUEOLOGÍA GRECO-LATINA ILUSTRANDO EL EVANGELIO". Most Reverend Monsignor: With your attentive letter of the 8th of the current month, I received the copies of your work "La Arqueología greco-latina ilustrando el Evangelio," and I hastened to place

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the copy dedicated to your august person in the hands of the Holy Father, entrusting to me that I should give him, in your name, very expressive thanks, and that I should transmit to you the Apostolic Blessing. For my part, after giving to Your Excellency the most affectionate thanks for the copy that you sent me, I now have the pleasure of congratulating you on your works, which are a clear testimony of your tireless diligence and holy zeal in defending the divine treasure of the sacred books. May the Lord bless your efforts and grant you His holy grace. Rome, February 22, 1910. R. CARD. MERRY DEL VAL. VIII. TO R. P. D. IOANNEM M. A. MORICE, BISHOP OF CAIESENSEM, AS A TOKEN OF RESPECT ON THE OCCASION OF THE SPIRITUAL EXERCISES PRESENTED TO THE BLESSED FATHER FOR THE CLERGY OF HIS OWN DIOCESE. Monsignor, I did not fail to place in the hands of the Holy Father "the Address" that Your Eminence sent me on January 26th, signed by herself and by the members of her clergy gathered for the spiritual exercises of the retreat.

[*Latin ed. p. 181*]

Secretariat of the State. This expression, signifying filial homage, devotion, and complete obedience to the Supreme Pontiff, was dear to his paternal heart. He desires to believe that these holy days, spent in retreat and meditation, will powerfully contribute to rekindling the zeal and priestly spirit of the ministers of Jesus Christ, so that they may dedicate themselves with renewed fervor to the sanctification of souls, working for their personal sanctification. As a pledge of the most abundant divine graces, which he asks God to pour forth amidst the present difficulties, upon Your Eminence and upon your diocese, the Holy Father sends you, with all his heart, the Apostolic Blessing, as well as to the clergy and the faithful entrusted to your care. I gladly seize this opportunity to express to you, My Lord, my most devoted sentiments in Our Lord. February 25, 1910.

R. CARD. MERRY DEL VAL.

To Aloysius Bahia y Urrutia, who presides over the General Assembly of Catholics.

Very consoling to our paternal Most Holy Father Pius X have been the repeated acts of faith and Christian piety, which spontaneously and simultaneously have taken place throughout Spain, zealous in defending Christian education for its children, against the attacks of anti-Christian schools; but the grand Assembly of Madrid, held on the 2nd of the current month, with the aforementioned purpose, possesses a significance of such a nature, due to the number of participants and because all classes of society have taken part in it, that it has been of especial delight to His Holiness.

While congratulating Your Eminence and the Governing Board for the

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extraordinary success of said Assembly, I am very pleased to inform you that His Holiness appreciates the message that you have kindly sent on this occasion, and He grants to Your Eminence and to all Catholics who have participated, a special Apostolic Blessing, which He desires to be fruitful and to consolidate the exemplary union with which so many Catholics have carried out a work of such importance.

For this reason, I offer myself as your devoted and faithful servant.

Rome, February 25, 1910.

R. CARD. MERRY DEL VAL.

[*Latin ed. p. 182*]

Acts of the Apostolic See. - Official Commentary. m DAILY ROMAN CURIA S. CONGREGATION OF RITES. On the fifteenth day of the month of March, in the year 1910, a Particular Congregation of Sacred Rites was held in the Apostolic Palace at the Vatican, at which the following causes were presented, namely:

ARMAGH. FOR THE BEATIFICATION AND CANONIZATION OF THE VENERABLE SERVANT OF GOD, OLIVER PLUNKETT, ARCHBISHOP OF ARMAGH, PRIMATE OF IRELAND.

Regarding a Doubt: "Whether it is established that the processes were constructed with valid authority, and whether obedience was rendered to the decrees of His Holiness Pope Urban VIII concerning the prohibition of cults, in the case and to the effect of which we are speaking?"

TURIN. FOR THE BEATIFICATION AND CANONIZATION OF THE VENERABLE SERVANT OF GOD, JOSEPH CAFASSO, SECULAR PRIEST, REFORMER OF THE ECCLESIASTICAL COLLEGE OF TURIN.

Regarding a Doubt: "Whether it is established that the process, constructed with Apostolic authority in the Tribunal of Turin, concerning the fame of the sanctity of life, virtues, and miracles of the aforementioned Venerable Servant of God, is valid and relevant, in the case and to the effect of which we are speaking?"

VALENCIA. FOR THE BEATIFICATION AND CANONIZATION OF THE VENERABLE SERVANT OF GOD, MARY MICHAEL, OF THE MOST HOLY SACRAMENT, FOUNDRESS OF THE CONGREGATION OF HANDMAIDS OF THE MOST HOLY SACRAMENT AND OF CHARITY.

Regarding a Doubt: "Whether it is established that the processes, both those constructed with Apostolic and Ordinary authority, are valid; whether the witnesses were duly and properly examined, and whether the testimonies were legitimately obtained, in the case and to the effect of which we are speaking?"

MILAN. FOR THE BEATIFICATION AND CANONIZATION OF THE

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VENERABLE SERVANT OF GOD, BARTHOLOMEW CANALE, PRIEST OF THE REGULAR CLERIC CONGREGATION OF SAINT PAUL THE BARNABITE.

Regarding a Doubt: "Whether it is established that the process, constructed with Apostolic authority in the Archdiocese of Milan, concerning the fame of the sanctity of life, virtues, and miracles of the aforementioned Venerable Servant of God, is valid and relevant, in the case and to the effect of which we are speaking?"

[*Latin ed. p. 183*]

Diary of the Roman Curia. 183. SECRETARY OF STATE. BY ORDER OF THE HOLY FATHER. The Holy Father, through a communication from the Secretary of State, has deigned to appoint: February 23, 1910. — His Eminence, Cardinal Mariano Rampolla del Tindaro, President of the Roman Academy of Saint Thomas Aquinas. March 7, 1910. — His Eminence, Cardinal Domenico Ferrata, Protector of the Sisters of the Most Sacred Heart of Jesus in Saint-Quentin. March 11. — His Eminence, Cardinal Beniamino Cavicchioni, Prefect of the Holy Congregation for Studies. His Holiness, through a communication from the Secretary of State and a Brief, has deigned to appoint: Apostolic Protonotaries, as if participating: February 28, 1910. — Reverend Father Luigi Martino, Emeritus Archpriest of Modugno in the diocese of Bari. Domestic Prelates: February 17, 1910. — Reverend Father Matteo Vido, General Vicar of the diocese of Tine. February 21. — Monsignor Giuseppe Hendrick, Extraordinary Chamberlain of His Holiness, of the diocese of Rochester (United States). February 26. — Monsignor Vincenzo Hausner, Extraordinary Chamberlain of His Holiness, parish priest in Müglitz, diocese of Olomouc. HONORS. His Holiness, through a communication from the Secretary of State and a Brief, has deigned to bestow the following honors: The Grand Cross of the Order of Saint Gregory the Great, civil class: February 22, 1910. — To Mr. Doctor Alberto Blancas, Extraordinary Envoy and Minister Plenipotentiary of the Republic of Argentina to His Holiness. The Commanderate of the same Order: February 19, 1910. — To Mr. Enrico Aynard, President of the Central Council of the Society of Saint Vincent de Paul in Carcassonne. The Knighthood of the Order of Saint Sylvester: February 26, 1910. — To Mr. Francesco Zanetti.

[*Latin ed. p. 184*]

Acts of the Apostolic See. - Official Commentary. MAGGIORDOMATO OF HIS HOLINESS, BY ORDER. The Holiness of Our Lord, through a letter from His Excellency, the Reverend Monsignor Maggiordomo, has deigned to appoint:

Extraordinary Secret Chamberlains:

February 19, 1910. — The Reverend Father George Zinnicq van

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Bergmann, Parish Priest in Tilburg; — The Reverend Father Alexander Jaivenois, of the diocese of Troyes.

Extraordinary Secret Chamberlains of Sword and Cape:

February 1910. — Mr. Stellier R. H. Gosselin of Errwood Hall, of the diocese of Shrewsbury (England).

March 3, 1910. — Mr. David E. Kenny, of the diocese of Trenton; — Mr. Michael Karski, of the diocese of Sandomierz.

Honorary Chamberlain in Peacock Blue:

February 19, 1910. — The Reverend Father Angelo Callegari, of the diocese of Brugnato.

NECROLOGY

March 1910. — Bishop Domenico Riccardi, Bishop of Sarsina.

[*Latin ed. p. 185*]

Year II. - Vol. 11. March 31, 1910. No. 5. ACTA APOS- TOLICAE SEDIS. OFFICIAL COMMENTARY. ACTS OF POPE PIUS X. APOSTOLIC LETTER. I. TO THE "MARY QUEEN OF HEARTS" ASSOCIATION ESTABLISHED IN THE CITY: CERTAIN INDULGENCES ARE GRANTED PERMANENTLY, AND ALSO A PERMANENT ALTAR PRIVILEGE FOR CLERICAL MEMBERS. PIUS PP. X. For the perpetual memory of the matter. – Associations of the faithful, established for works of piety and charity, acting as auxiliary forces, assist the clergy in the exercise of the sacred ministry, and at the same time, they promote the decorum of divine worship, and with diligent effort, they strive to foster the growth of Christian affairs day by day. Our Predecessors, the Roman Pontiffs, bearing this in mind, have been accustomed, with wise counsel, to adorn and strengthen these very associations with special graces and privileges, so that they may more easily achieve the purpose they have set for themselves. Indeed, when our beloved son, Hubert Maria Ghebard, General Procurator of the Society of Mary of Montfort, as well as of the Daughters of Wisdom, earnestly implored us, so that a canonically established association, dedicated to the Blessed Virgin Mary under the title of Mary Queen of Hearts, might be instituted among the faithful of Christ, in this esteemed City, We, through a letter dated June 16th of the year 1906, delivered by Our Cardinal, Our Vicar General for spiritual affairs in the same City, granted certain spiritual graces, from the treasure of the Church, to be bestowed upon the public chapel adjacent to the Montfort College, in the urban district called Sardinia. We, for whom nothing is more dear than the increasing and expanding piety of the Christian people towards the Most Holy Virgin, the Mother of Our Savior, have considered it fitting to grant these requests, as far as is possible in the

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Lord. Therefore, ACTA, vol. II, no. 5. – 31-3-1910. 13.

[*Latin ed. p. 186*]

Acts of the Apostolic See. - Official Commentary. 186. By the mercy of Almighty God, and by the authority of the Blessed Apostles Peter and Paul, We grant to all and each of the faithful who, in the future, rightfully join the aforementioned society, entitled "Mary Queen of Hearts," within the canonically erected College of Montfort, in this city, a plenary indulgence on the first day of their joining, provided that they have truly repented and confessed their sins; and also, to those inscribed in the records and to those who are to be inscribed in the future, within the society, to the members who, having confessed their admitted sins, and having been refreshed with a fraternal meal, shall each year, on the feast of the Blessed Virgin Mary, greeted by the Angel, visit the public chapel of the aforementioned College of Montfort, from the first vespers until sunset on that day, and there offer devout prayers to God for the concord of Christian princes, for the eradication of heresies, for the conversion of sinners, and for the exaltation of the Holy Mother Church; We also grant, with paternal mercy, a plenary indulgence for all their sins, and remission thereof, to all those who shall so desire. Furthermore, We grant to the aforementioned members, if they so wish, the opportunity to satisfy the temporal penalties of their sins through these indulgences. Moreover, We hereby grant, by Our Apostolic authority, to the priests who are inscribed in the aforementioned society, and to those who are to be rightfully inscribed in the future, the privilege of a personal altar, so that, by these presents, they may, for three days of each week, freely chosen, if they celebrate Mass for the souls of the departed at any altar, that Mass shall benefit the souls for whom it is offered, no less than if it had been celebrated at the privileged altar. Notwithstanding any Apostolic Constitutions and ordinances, and other regulations, which, with special and individual mention and derogation, might be contrary to the foregoing. These present decrees are valid forever, in perpetuity. Given at Rome, at St. Peter's, under the Fisherman's Ring, on the first day of February, 1910, in the seventh year of Our Pontificate. R. L. © S. CARD. MERRY DEL VAL, Secretary of State.

[*Latin ed. p. 187*]

The Acts of Pope Pius X, 187 II. ASSOCIATION OF PRAYERS FOR THE CONVERSION OF THE SCANDINAVIANS. IT IS ESTABLISHED IN THE ABBEY OF SAINT MAURICE IN CLARA, IN THE DIOCESE OF LUXEMBURG, WITH THE FACULTY OF ENROLLING MEMBERS THROUGHOUT THE LANDS, AND WITH THE USUAL INDULGENCES. POPE PIUS X. FOR THE PERPETUAL MEMORY OF THIS MATTER. — Among the associations of the faithful which, either through the example of good works or through common prayer, assist the clergy in fulfilling

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the duties of the sacred ministry, We are eager to sanction those with Our apostolic authority, and to enrich the treasure of the Church with special graces, knowing that they are distinguished from others by the number of their members and the purpose of their foundation. Indeed, We have learned that Our beloved son Paul Renaudin, Abbot of Saint Maurice in Clara, in the Diocese of Luxembourg, mindful of the admirable deeds of the holy Anschar, has conceived a salutary and fruitful plan to establish a society of the faithful, with the aim that, through constant prayer, the people who inhabit the northern regions of Europe may obtain, through divine grace, their conversion to the true faith of Christ. The annals of the Church teach that the Benedictine monk, Saint Anschar, in the Abbey of Corbie in Gallia, at the urgent request of the kings, traveled to the northern shores of Europe, to Denmark and Sweden, for the purpose of preaching the Gospel, and that he reaped such abundant fruits there in the field of the Lord, that he brought the entire population of Scandinavia and Denmark to Christ. For his apostolic labors, he received a reward worthy of his merits; he was elected Archbishop of Hamburg, and by Our predecessor, Pope Gregory IV, was invested with the sacred pallium, and he shone brightly in the northern regions. While these noble regions, ravaged by the Lutheran heresy, had miserably departed from the Roman faith, this beloved son, Paul Renaudin, Abbot, considered it his duty to fervently implore God to bring these people back to the true Catholic faith, and he conceived of establishing a pious association in his abbatial church, of faithful who, with their hearts turned towards the conversion of Scandinavia, would offer continuous prayers to God, through which a shower of divine grace would be poured down upon the heralds of the Gospel from on high. Now, since the same Abbot has approached Us with earnest prayers, so that We might deem it fitting to establish this association with the sanction of Our Apostolic authority, We, by Our native zeal for the apostolate...

[*Latin ed. p. 188*]

Acts of the Apostolic See. - Official Commentary. We deem it fitting to readily and willingly approve these pious and salutary requests made by those aspiring to the priesthood. Therefore, We decree the following:

1. In the Abbey of Saint Mauritius of Clervaux, located within the territory of the diocese of Luxembourg, We, by Our Apostolic authority, establish and institute a sodality of prayer for the restoration of the Scandinavian peoples, namely the Danes, Swedes, and Norwegians, to the Catholic faith.

2. We desire that the patrons of the sodality be the Blessed Virgin Mary under the title of the Assumption, Saint Paul, Saint Ansgar, Saint Canute, Saint Olaf, and Saint Bridget.

3. The president of the sodality shall be the abbot for the time being of the Abbey of Saint Mauritius of Clervaux, who, either by himself or

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by any monk chosen by him from among his brethren, shall govern the aforementioned sodality.

4. It shall be permissible for any faithful Catholic residing anywhere in the world to join this sodality properly. Furthermore, We wish that the names of the members be recorded in a special register, to be kept in the archives of the aforementioned Abbey.

5. The members shall be obliged to recite the Angelic Salutation at least once daily, and, for the purpose of promoting the conversion of the Scandinavian peoples, they shall add to this prayer other prayers and supplications. Furthermore, they shall offer a special prayer for the souls of the deceased from the Scandinavian regions who are detained in purgatory by the fire.

6. Moreover, in order that they may also enjoy spiritual benefits, and confident in the mercy of Almighty God and in the authority of the Blessed Apostles Peter and Paul, We grant to all and each of the faithful of both sexes, residing anywhere in the world, who shall hereafter join this sodality, a plenary indulgence on the first day of their entry, provided that they have received the Sacrament of Penance if truly contrite and confessed; and also, to those who are enrolled in the sodality, and to those who are enrolled thereafter, at the hour of their death, if they are also truly contrite and confessed, and have received the Holy Communion, or, if they are unable to do so, at least if they are contrite, they shall invoke the name of Jesus, with their mouth if they can, but otherwise with their heart, and shall accept death as the punishment for sin with a humble spirit, a plenary indulgence.

7. Finally, to those who are now and in the future members of the aforementioned sodality, who, having been duly absolved through confession and nourished with the Bread of the Angels, shall visit the church proper to the sodality on the feast days of the heavenly patrons of the sodality, namely the feast of the Blessed Virgin Mary assumed into heaven, and on the days on which the feasts of Saints Paul, Ansgar, Canute, Olaf, and Bridget are celebrated, in the places where they reside, near their own parish church, from the beginning of Vespers until sunset on such days; and there, for the Christian princes...

[*Latin ed. p. 189*]

189. The Acts of Pope Pius X, through concord, the eradication of heresies, the conversion of sinners, and the exaltation of the Holy Mother Church, offer devout prayers to God, that on that day they may accomplish these things, and also grant a plenary indulgence for all sins, for which We mercifully grant forgiveness and remission in the Lord. Furthermore, We grant to the members themselves, if they so desire, except for the plenary indulgence to be obtained at the hour of death, all other plenary indulgences of which mention has been made above, to atone for the faults and penalties of life. Contrary to anything to the contrary. This

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shall be valid for the present and all future times. We decree that to these present letters, or even printed copies thereof, signed by the hand of a public notary and sealed with the seal of a person holding an ecclesiastical office, the same faith shall be given as would be given to these present documents, if they were exhibited or shown. Given in Rome, at St. Peter's, under the Fisherman's ring, on the eighth day of the month of March, in the year 1910, in the seventh year of Our Pontificate. R. L. S. CARD. MERRY DEL a Secretis VAL Status. LETTER I. TO THE VENERABLE BROTHER AGNELLO, BISHOP OF NOLAN, ON THE COMPLETION OF FIFTY YEARS OF THE PRIESTHOOD. Venerable brother, greetings and the apostolic blessing. — We have learned from your recent letters that you are soon to complete fifty years of the priesthood, which has given Us great pleasure, especially because We see that We are given an opportunity to testify to the benevolence with which We favor you, because of your merits. Therefore, while We congratulate you now for the virtue and diligence which divine goodness has thus far fostered in you, and We wish you a great increase in both age and merit, We desire to augment the joy on that auspicious day, on which the anniversary of your consecration falls, and to make it fruitful, through the gifts of the pontifical indulgence. Wherefore, We grant to you, for that day, that when you celebrate the Holy Sacrifice, you may obtain from God a plenary remission of sins; and We grant the same to all.

[*Latin ed. p. 190*]

190 Acta Apostolicae Sedis. - Official Commentary. concerning your flock of faithful, who, having been rightly absolved through Confession and refreshed by the Most Holy Eucharist, have commended you, and Us, and the Christian cause to God. We bestow upon you, venerable brother, and upon your clergy and people, our most fervent apostolic blessing, hoping for divine graces. Given in Rome, at St. Peter's, on the 17th day of February, 1910, in the seventh year of Our Pontificate. PIUS P. P. X.

TO THE MOST REVEREND GABRIEL MARY, SUPERIOR GENERAL of the Brothers "FROM THE CHRISTIAN SCHOOLS," concerning the celebration of the fifth and seventieth anniversaries of the founding of their houses, and for the founding of religious houses for young men.

Beloved Son, greetings and our apostolic blessing.

By your letter, you have informed Us that you will soon be celebrating the fifth and seventieth anniversaries of the founding of the houses of your Society, which you so admirably direct, for the instruction of young men. Know that this brings joy not only to you and yours, but also to Us. Indeed, We have observed these years to have been neither devoid of labor, nor barren of fruit for you. It is scarcely necessary to mention how much those who have come forth from your houses have contributed to the advancement of Christian education for young people, and how much benefit civil

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and religious affairs have received from their active charity. We are deeply pleased by such outstanding endeavors, and, trusting that, with your prudence and the favor of the Bishops, the religious houses for young men, who are served by brothers dedicated to clear instruction and guidance, will experience ever greater growth, we confidently expect great things. Indeed, in these times in which we live, and in which so many dangers are set before the young, those who dedicate themselves to the good prepare a rich harvest for them. Let there be no lack of workers who diligently cultivate it, so that they may gather a most abundant yield. We earnestly pray for this, and so that Our sentiments may be fulfilled, We impart to you, beloved Son, and to all your companions, our most fervent blessing, that the paternal blessing of the houses of your children may be strengthened and made fruitful with a lasting progeny.

Given in Rome, at St. Peter's, on the 23rd day of February, 1910, in the seventh year of Our Pontificate. PIUS P. P. X.

[*Latin ed. p. 191*]

ACTS OF POPE PIUS X. TO HIS BELOVED SONS, CHARLES KANTER, ELECTED AMONG THE BISHOPS OF THE DOMUS PONTIFICIA, AND MARCHIONESS ADELA PALLAVICINI, PRESIDENTS OF THE PIOUS SOCIETY "A. B.," ON THE FIFTIETh ANNIVERSARY OF ITS FOUNDATION.

Beloved sons, greetings and the apostolic blessing. — As the fiftieth year since the founding of the pious society of which you are presidents draws to a close, you rightly judged, as you recently wrote to Us, that it would be pleasing to Us. For nothing is more sacred, nothing more salutary, than to promote the worship of the august Sacrament, and at the same time to assist sacred edifices where a supply of necessary furnishings is lacking. In this, it is clear that your industry has already been most outstanding and very fruitful. Therefore, we congratulate you greatly, and we offer great thanks, for you, fostering your own and common piety in Christ the Lord, have always deservedly earned the favor of the holy Church. Furthermore, as a sign of Our paternal benevolence towards you, we grant to each of you, as many as there are of this society, that, as the year turns, you may, once, if you so desire, and after duly offering at the altar, obtain a plenary remission of sins before God.

And what remains, we greatly desire that your society, which we are pleased to see already spread widely throughout the dioceses of Hungary, may assist all good people with its resources and endeavors. We impart, moreover, through Christ our Lord, to you, beloved sons, and to all your members, the apostolic blessing.

Given at Rome, at St. Peter's, on the twenty-seventh day of February, in the year 1910, in the seventh year of Our pontificate.

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PIUS PP. X.

TO OUR BELOVED SON, PETER, CARDINAL COUILLIÉ, ARCHBISHOP OF LUGDUNENSI.

Beloved son, greetings and the apostolic blessing. — The recent acts of hostility and contempt committed in Rome against the holy Church, when the hands of a confederacy of wicked men celebrated the annual memory of a most infamous man, have certainly caused grief to Our heart, which is already burdened with so many cares.

[*Latin ed. p. 192*]

Acta Apostolicae Sedis. - Official Commentary. They have brought about an increase in the suffering. For we have seen that, in this sacred City, license has been granted to the enemies of the Cross of Christ, so that they might openly display the majesty of the Roman Pontificate and the sanctity of the Catholic religion with incredible audacity, and this, which was a source of the greatest sorrow, occurred with grave offense to the youth and the uneducated populace. But, nevertheless, through the mercy of God, who is accustomed to mitigate the harshness of temporal events and to seek good from evils, it happened that, during those very days, moved by the indignation of the matter, Catholics from all sides brought to Us testimonies of piety and obedience! which we felt did not a little alleviate Our suffering. No one has been more diligent in fulfilling this duty than you, beloved son, who, through most affectionate letters, have pledged Us not only your own, but also the faith of your diocese; a faith which you and all of Catholic France admirably demonstrate, enduring so many and such great hardships for the Church, with wonderful constancy. But your zeal was certainly pleasing to Us, and also auspicious omens, with which you have followed Us into the next appointed day. Therefore, giving thanks from the heart, We impart to you, beloved son, and to your clergy and people, Our apostolic blessing, a pledge of heavenly gifts, and a witness especially of Our benevolence. Given at Rome, at St. Peter's, on the fourteenth day of March, in the year 1910, in the seventh year of Our Pontificate. PIUS P. P. X.

[*Latin ed. p. 193*]

Sacred Congregation of Sacraments. 193 SACRED CONGREGATION OF SACRAMENTS, i. ROMANA AND OTHERS. DOUBTS REGARDING THE DECREE ON BETROTHALS AND MARRIAGE. In the plenary assemblies of the Sacred Congregation of Sacraments held on March 12, 1910, the following questions were to be resolved:

I. What is to be understood by the term "region," and at what distance must the parties reside from the place where the priest competent to cel-

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ebrate the marriage is located, so that the marriage may be validly and lawfully entered into before only witnesses, according to article VIII of the decree "Ne temere"?

II. It frequently happens that, due to a lack of priests, several parishes are administered by only one pastor, who cannot visit all of them every month. There are also certain extensive parishes, containing even villages very distant from each other, which, either due to the roughness of the roads or the force of the rivers, cannot be visited by the pastor within a month, nor can the pastor be visited by the faithful. The question is asked: a) Can the faithful of the parishes in the first case, after a month has elapsed without the pastor's arrival, validly and lawfully contract marriage before only two witnesses, according to article VIII? b) Can any village in the second case be considered a "region," so that those living there may avail themselves of the provision of article VIII?

III. Whether a marriage entered into before only witnesses is valid if it takes place in a "region," as mentioned in article VIII, and the person doing so acts in violation of the law.

IV. Whether bad Christians, and indeed pagans, can be admitted as witnesses in order to observe the prescriptions of articles II, III, VII, and VIII.

V. Regarding temporary residence and vagrants, the following is asked: a) Whether the temporary residence, mentioned in article V, § 2, should be understood in a relative sense, i.e., with regard to those who have a domicile or quasi-domicile elsewhere, or in an absolute sense, i.e., with regard to those who have neither a domicile nor a quasi-domicile anywhere; b) Whether the pastor or proper Ordinary, mentioned in the same article V, § 3, is the pastor or Ordinary of the temporary residence.

[*Latin ed. p. 194*]

194 Acta Apostolicae Sedis. - Official Commentary. in an absolutely binding sense; c) Whether the term "vagorum," as mentioned in Article V, § 4, refers to all those who lack a domicile and quasi-domicile, or only to those who, lacking a domicile and quasi-domicile, furthermore have not acquired, even for a period of at least one month, a parish or Ordinary through residence. VI. It happens that coadjutors are appointed by Bishops, and indeed, they are not endowed with the particular right to assist couples; nevertheless, it is customary that, from the very beginning of their office, they assist in marriages, without contradicting the parish priests, but without their express permission, even entering their own signatures in the marriage books; indeed, especially in larger parishes, they almost always assist in marriages. The following questions arise in this case: a) Whether marriages begun before coadjutors, without the knowledge of the parish priests, are valid; b) To the extent that the answer is affirmative, whether coadjutors act lawfully in providing assistance in marriages from the very beginning of their office, without an express

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delegation from the parish priests; c) Whether it is permissible for the custom to continue whereby coadjutors assist in all or almost all marriages in the parish, or rather, whether parish priests should be urged to provide this assistance themselves as much as possible and ordinarily, unless they are prevented by a legitimate and serious reason, which weighs upon their conscience, in which case they should delegate this task to coadjutors, and thus the marriages should be described in the marriage books in the usual manner. VII. Whether, by Article I of the decree, the special law previously in force in Hispania, and extended to Latin America, remains abrogated, by virtue of which a public written document, signed by a notary, was required for the validity of betrothals. VIII. Whether exempt religious orders can be considered, in accordance with the decree, as the territory of a parish or Ordinary, within whose territorial district they are located, for the purpose of assisting in marriages. IX. Whether and how should the requests of certain Ordinaries be answered, namely: 1. The Bishop of Ross, requesting a dispensation from the obligation imposed by Article X, § 2, to note in the baptismal register that the spouses contracted marriage in their parish on a certain day; 2. The Apostolic Vicar of Kiam-Si Orientalis, requesting a dispensation not only from the obligation to note the marriage contracted in the baptismal register, but also in the marriage register; 3. Certain Ordinaries of Sines, who ask: Whether the response of the Sacred Congregation of July 27, 1908, regarding Article VII, is restricted to the two cases then under consideration; and, to the extent that the answer is affirmative, they request that the response be extended by necessity; 4. The Bishop of Mangalore, regarding other true cases, who requests that he be granted the faculty.

[*Latin ed. p. 195*]

Sacred Congregation of Sacraments. 195. It is permitted that a marriage celebrated be described in the marriage book by the Priest who, by the delegation of the parish priest, assisted at the marriage, when the parish priest is absent. And the Eminent Fathers judged that the following should be the response to such doubts: R. To question 1. ™ A marriage can be validly and licitly contracted before only witnesses without the presence of a Priest competent to assist, always and, if a month has already passed, the competent Priest cannot be had or reached without grave inconvenience. To question 2. Affirmative. To question 3. Affirmative. To question 4. Regarding the qualities of the witnesses, nothing is provided in the decree "Ne temere" concerning this matter, and it remains unchanged. To question 5. To a and 6. Provided for by the response given to question five by the Sacred Congregation of the Council on March 28, 1908. To e: Concerning vagrants, of whom art. V, § 4, are all those who have no parish priest or proper Ordinary by reason of domicile or temporary residence. To question 6. To a: They should acquiesce, having spoken the words with the Most Holy; to b:

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they are bound by law to observe; to c: concerning the personal assistance of marriages by parish priests, the Archbishop should urge, for his own jurisdiction, if there are any laws of the Provincial Council concerning this matter. Regarding the description of the marriage celebrated, the article IX of the decree "Ne temere" and the prescription of the Roman Ritual should be observed. To question 7. Affirmative. To question 8. Affirmative. To question 9. To 1. It is not expedient and in mind. The meaning is: that Ordinaries and other collaborators should, as much as they can in the Lord, strive to remove that pernicious superstition from the minds of the faithful, by which they are deterred from receiving the names of the Saints at baptism. They should teach them frequently that the names of the Saints are given to them, so that they may be incited by their examples to live piously and be protected by their patronage. To parish priests and other priests entrusted with the care of souls, they should commend that, as long as that pernicious superstition cannot be eradicated, they should, with all diligence, record the parish books, even employing the help of others, of whom they believe they can be assisted in this matter. If, in a particular case, they cannot know the true name of the spouse, while a moral impossibility of observing the law remains, they are not bound by it. To question 2. It is not expedient concerning either and in mind. The meaning is: that Ordinaries should take care that the marriage certificates prepared by missionaries are diligently prepared and preserved, and that they should provide for them according to their prudence.

[*Latin ed. p. 196*]

Acts of the Apostolic See. - Official Commentary. 196. It is left to the judgment of those responsible to prescribe precautions to avoid inconveniences, using, if necessary, conventional signs. Regarding 3. u m Regarding l. u m Regarding 4. u m For the prudent judgment and conscience of the Bishop. Negative; regarding 2. u m Provision is made in the first instance. On the 13th day of the same month and year, the Most Holy Lord heard the report of the undersigned Secretary, and deigned to ratify and approve the aforementioned resolutions. D. CARD. FERRATA, Prefect. L. © S. Ph. Giustini, Secretary. *IL MESSANEN. OR RHEGINEN. PRESUMPTION OF DEATH.* In the month of March 1910. After the catastrophe that struck the Strait of Messina on both sides on December 28, 1908, due to an earthquake, the Most Reverend Archbishop of Catania was the first to request instructions from the Holy See, concerning the situation of those refugees who, living nefariously in concubinage, were struck by terror, and sought to safeguard the salvation of their souls. And the Sacred Congregation for the Discipline of the Sacraments, on January 18, 1909, after praising the Most Reverend Archbishop, issued letters with instructions for the most urgent cases, namely: "In place of the usual 'testimony of freedom from all impediments,' in the case of persons who claim to have never contracted another

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marriage, it will suffice to administer to them, with the usual precautions, a supplementary oath. Regarding the same testimony of freedom from all impediments, in the case of the death of the first spouse, it is necessary, in the absence of the usual certificates, to take into account the Instruction of the Holy Office of 1868, if the death occurred before the recent disaster; it is then necessary to suspend proceedings if the death is presumed to have occurred during the same disaster, in the absence of evident proof." Subsequently, the Chancellor of the Vicariate of the City submitted to the same Sacred Congregation a testimony of death obtained from the civil authorities, inquiring as to what value such testimonies should be given. Before a response could be given, the same Sacred Congregation wrote, on November 17 of the same year, to the Archbishops of Messina and Reggio, to...

[*Latin ed. p. 197*]

The Holy Congregation of Sacraments sent the following inquiries: whether the records of souls have been re-established in the civil registry; whether, within the aforementioned Curia, those who have testified to the power of death merit a certain degree of faith; and finally, whether they wish to transmit other information that may be useful and appropriate for the preparation of the aforementioned Instruction.

The Archbishop of Messanensis responded on the 26th of the same month, as follows: "Thus far, it has not been possible to compile the state of souls, because we are awaiting the organization of the parishes, the construction of temporary dwellings, parish churches, and canonical residences. This will be the first task. As for the deceased in the disaster, I have only relied on the confirmation of death through either the examination of the body or the testimonies of persons worthy of faith who attest to the death. And, not being confident in the methods practiced by the Civil Registrar, I was also on the verge of writing to this Holy Congregation to request instructions on how to proceed when neither method is available, and there is no news of the persons residing here at the time of the disaster. Therefore, I implore Your Eminence to provide me with the appropriate norms regarding this matter, as there are various cases for the celebration of marriages, and I wish to remove some couples from concubinage."

The Vicarius Capitularis of Rheginii responded on the 30th of November: "In response to the note from Your Eminence, I must inform you that it has not yet been possible to reconstruct the state of souls in all the parishes of the Archdiocese after the earthquake. In many places, it is extremely difficult to reconstruct it, especially since no one has a fixed residence, and the number of temporary dwellings to be constructed has not yet been completed. Furthermore, determining the number of deceased is a difficult task, because families are dispersed, and many are refugees in unknown

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lands. In this Curia, for the marriages of widows, a death certificate is ordinarily requested from the parish priest, who, if he does not know the deceased, must first draw up a notarial act based on the testimony of four trustworthy witnesses. For acts of death from the Civil Registry, we do not consider them valid unless they are confirmed by the parish priest after the customary procedures."

In general, the acceptance of such testimonies from civil authority to prove the state of freedom is subject to perils, but exceptions must be made according to the qualities of the persons: which is why an investigation by ecclesiastical authority is necessary to determine whether...

[*Latin ed. p. 198*]

198 Acta Apostolicae Sedis. - Commentarium Officiale. Concerning a case in which death is alleged, it must be determined whether the person was of good character and had faithfully pursued marriage and family life, and so forth. However, the investigation is all the more urgent because there may be witnesses whose testimony should be given preference over the presumption of law, as is already being done in the Royal Court of Regensburg. Furthermore, the Sacred Congregation of the Holy Office, as an example of legal procedure, gave the following response concerning the status of widows after the battle of Adwa: "Provided that we are dealing with men who certainly participated in the battle of Adwa, and after appropriate investigations have been carried out, and it cannot be doubted that the man has truly died, taking into account the special circumstances of the case, and a valid presumption of death exists, the Ordinary may grant permission for the widow to marry again." From this, it is clear that a proper investigation must be carried out first, and that, to the extent that this investigation is effective, the special circumstances of the case must be considered together with a valid presumption of death. And among the circumstances considered in the aforementioned response of the Holy Office were the illicit desires of widows who wished to marry. Another example is found in the response of the same Sacred Congregation, dated April 27, 1887. Specifically: "Victoria N. contracted marriage with Joseph N., who in the year 1870 departed for war, and who, in the battle near the city of St. Quentin, on January 19, 1871, disappeared, as evidenced by letters from the Minister who commanded the military, and since that time, no news of him has been heard, so that the civil court has pronounced a sentence declaring his death. It should be added that Joseph had made an agreement with seven of his comrades to meet him at the same place after the battle, but he alone did not appear at the meeting." And the Sacred Congregation decided: "Provided that, from authentic documents obtained from trustworthy witnesses, it is established, at least in a summary and extrajudicial manner, not only what has been stated by the Bishop, but also that Joseph N. had sincerely pursued his wife and children, and that there was no

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reason for him to abandon them, it may be permitted for the woman to marry Louis N." Finally, perhaps it is not irrelevant to have before our eyes another response of the Holy Office, dated June 28, 1865. The question was asked by the Vicar Apostolic of Pondicherry: "Whether the provisions of civil law concerning absent spouses can provide a basis for moral certainty regarding their death, and consequently, whether abandoned spouses, after the fulfillment and completion of these provisions, may contract a new marriage." Answer: "According to what has been presented, negatively, and that particular cases must be examined by the Very Reverend Vicar Apostolic, according to the Instruction which will be sent to him."

[*Latin ed. p. 199*]

199. The Holy Congregation of Sacraments. This Instruction, which began with the immense devastation of wars, was superseded by the more recent Instruction of the Sacred Office, dated 1868, by which the entire matter is governed. The Fathers of the Holy Congregation of Sacraments, in plenary assemblies held on March 12, 1910, considered the following question: "Whether and how provision should be made." They judged that it should be provided for by the Ordinary, in particular cases, according to the Instruction "On the Bond of Matrimony," issued by the Sacred Office in 1868.

D. CARD. FERRATA, Prefect.

L. X S. Ph. Giustini, Secretary.

INSTRUCTION OF THE SUPREME SACRED CONGREGATION CONCERNING THE PROOF OF THE DEATH OF A SPOUSE, A.D. 1868.

"The bond of matrimony joins together only two persons, as Christ teaches; and therefore, according to the doctrine of the Catholic Church, if one of the spouses dies, subsequent, or even further, marriages are licit."

However, concerning subsequent and further marriages, since the matter is often subject to difficulties and fraud, the Holy See has diligently sought, through general constitutions, and more frequently through responses given in particular cases, to ensure that the freedom to enter into new marriages is preserved for everyone, so that the aforementioned unity of marriage is not brought into disrepute. Hence, the canons of the Church have been established, which require that certain proof of the death of the spouse be given, in order that one may lawfully enter into other vows, as is stated in chapter [reference to a chapter on second marriages, likely in the Code of Canon Law], or that certain news of the death be received, as is also stated in chapter [reference to a chapter on the same topic]. Furthermore, those things which are set forth more clearly in the Instruction "On Betrothals and Marriages," dated August 21, 1670, and inserted in the Roman Bullarium, concerning the examination of witnesses for marriages to be contracted in the Curia of the Eminent Vicar of Rome, and of other

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Ordinaries, are also of great importance. In particular, numbers 12 and 13 contain matters most relevant to the subject. And these would be quite sufficient if, in dealing with such cases, absolute and complete certainty about the death of the other spouse could always be obtained; but since, in almost countless cases, this is not possible (which has been wisely observed in the aforementioned Instruction), therefore...

[*Latin ed. p. 200*]

200 Acta Apostolicae Sedis. - Official Commentary. The words: "However, if such testimonies cannot be obtained, the Holy Congregation does not intend to exclude other proofs, which may be admitted, provided they are legitimate, and (those which, according to common law, are sufficient) follow; therefore, given the established general principles, it often happens that the judgments of ecclesiastical authorities tend to remain in the true and just determination of the facts, indeed, due to that very facility which has been achieved in our time in reaching the most remote regions, so that people are dispersed to almost all parts of the world, the number of such cases has increased so much that very frequent appeals are made to this Supreme Congregation on this matter, without further causing inconvenience to those parts, to which, among the information and instructions that must be sent, as it were, for the matter at hand, a great deal of time is devoted, preventing them from reaching the desired goals. Therefore, the same Holy Congregation, eager to meet these needs, and also considering that, especially in missionary territories, ecclesiastical authorities are often lacking in the necessary support to free themselves from serious difficulties, decided that a more comprehensive instruction should be issued, in which, without in any way abolishing those things that have already been given, rules are required that this very Holy Congregation usually follows in such cases, so that, with their help, judgments may be rendered without the necessity of appealing to the Holy See, or at least, if an appeal is necessary, the status of the case is so clearly explained that it should not be delayed by a longer period of time. Therefore: 1. When a question is raised regarding the death of a spouse, it must first be noted that the argument based solely on the spouse's absence, however long (although it is almost everywhere admitted by civil laws), is by no means sufficient for a just proof according to the Holy Canons. Hence, Pope Pius VI wrote to the Archbishop of Pragensem on July 11, 1789, stating that the mere absence of the spouse and any kind of silence from him is not sufficient proof of death, even if a royal edict has summoned the absent spouse (and it must also be said that if this has been done through public newspapers). The Pope further states that if the spouse appears, it is not a greater reason for his death than for his contumacy. 2. Therefore, according to the same Holy Canons, a genuine document of death must be diligently sought; that is, a document drawn up from the records of the parish, or xenodochium, or military service,

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or even, if it cannot be obtained from ecclesiastical authority, from the civil government of the place where, it is presumed, the person died. 3. However, sometimes this document cannot be obtained; in which case...

[*Latin ed. p. 201*]

Sacred Congregation of Sacraments. It is necessary to supplement the testimony with the depositions of 20 witnesses. However, there must be at least two witnesses, sworn, worthy of belief, and who, from their own knowledge of the facts, have learned of the death, and who are in agreement regarding the place, the cause of death, and other substantial circumstances. Furthermore, if the deceased has close relatives, or companions in travel, business, or even military service, the testimony of these individuals should be given even greater weight.

4. Sometimes only one witness is found to be examined, and although, according to all law, the testimony of one person is not sufficient to fully prove a matter, nevertheless, so that a spouse may not be forced to enter into another marriage, or to live a celibate life against his will, the Sacred Congregation does not entirely reject the testimony of one witness in such cases, provided that the witness possesses the aforementioned qualities, is subject to no exception, and furthermore, that his testimony is supported by other serious and substantial evidence; and if no other external evidence can be gathered, it must be certain that nothing in his testimony is found to be incongruous or entirely improbable.

5. It has also happened that witnesses, who are in all respects worthy of belief, testify that they heard of the death of a spouse at a time not suspected, from the testimony of others; but these latter cannot be examined, either because they are absent, or because they have died, or for some other reasonable cause; in such cases, the statements heard from the mouth of another are considered sufficient for a prudent judgment regarding the presumed death, provided that all other circumstances in the case are consistent, or at least the most urgent ones.

6. However, it has been experienced that not even one witness of the type described above can be found. In this case, the proof of death must be carefully and very cautiously investigated through conjectures, presumptions, indications, and any circumstances whatsoever, so that, by collecting and considering many things from here and there, and by assessing their nature, as to whether they are more or less urgent, or whether they are more or less closely connected with the truth of the death, a prudent man's judgment may be promoted to affirm that death with the greatest probability, or with moral certainty. Therefore, whether in each case there is a just probability based on such conjectures, it is to be left to the judgment of the judge; however, it will not be amiss to indicate more sources from which these, whether more urgent or even less urgent, can be gathered and obtained.

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7. Therefore, in the first place, those presumptions must be investigated that relate to the person of the alleged deceased, and which can certainly be obtained from relatives, friends, neighbors, and from any other sources that are known to both spouses. In such an examination, it is necessary to inquire, for example: Whether the person about whom we are speaking was endowed with good morals; ACTA, vol. I I , n. 5. - 31-3-910. 14

[*Latin ed. p. 202*]

Acts of the Apostolic See. - Official Commentary. He should live piously and religiously; he should choose a wife; he should have no reason to conceal anything; whether he possesses stable property, or whether he might expect something from his relatives, or from elsewhere. Whether he departed with the consent of his wife and relatives; what was his age and health at that time. Whether he ever wrote, and in what place, and whether he revealed his intention to return as soon as possible, and other similar indications are gathered. Other indications, depending on the circumstances of the absence, can be gathered as follows: If he departed for military service, inquire of a military commander what he knows about him; whether he participated in any battles; whether he was captured by the enemy; whether he deserted the camp, or whether he was assigned to dangerous locations, etc., etc. If he undertook a journey for business reasons, inquire whether he encountered serious dangers on the journey; whether he traveled alone, or was accompanied by others; whether seditions, wars, famines, and plagues occurred in the region to which he traveled, etc., etc. If he embarked on a sea voyage, a thorough investigation should be made as to which port he departed from; who were his fellow travelers; where did he travel; what was the name of the ship he boarded; who was the captain of that ship; whether he suffered a shipwreck; whether the company that provided a guarantee for the ship paid the price; and other circumstances, if any, should be carefully examined. 8. Also, the testimony of others, with supporting evidence, can help to establish the fact of death, provided that, namely, it is confirmed by at least two trustworthy and sworn witnesses, who will testify to a reasonable basis for such testimony: whether they received this information from a larger and more reliable segment of the population, and whether they themselves believe that this is the truth; and it should not be doubted that this information was spread by those who would benefit from it. 9. Finally, if necessary, an investigation through public newspapers will not be omitted, provided that all necessary information about the person is given to the director, unless, due to special circumstances, it is deemed otherwise by wiser and more prudent counsel. 10. All of these matters are carefully considered by this Holy Congregation, as the matter at hand is of the utmost importance; all evidence is weighed equally, and, moreover, the opinions of many theologians and jurists are heard; finally, its judgment is pronounced, whether there is sufficient evidence of

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such a death, and whether there is nothing to prevent the petitioner from being granted permission to enter into a new marriage. 11. From all of this, ecclesiastical superiors can draw a certain conclusion.

[*Latin ed. p. 203*]

The Holy Congregation of the Council follows the norm in such judgments, as indicated in number 203. However, if, despite the rules previously mentioned, the matter still appears uncertain and complex, recourse must be made to the Holy See, along with all the relevant documents transmitted with this appeal, or at least carefully presented.

LUXEMBOURG. CHARITIES (Luxembourg). MISSES. The Bishop of Luxembourg, in a letter dated July 30, 1909, addressed to the Holy General Council, stated as follows: "In the Diocese of Luxembourg, according to general custom, the parish priests grant to their vicars certain rights pertaining to the vestments, such as the income from baptisms, from the blessing of women after childbirth, etc. Furthermore, the parish receives a not insignificant diminution of its proper income because, according to an ancient custom, the vicars, who generally do not reside in the parish house, attend the parish priest's table free of charge on Sundays and holidays, as well as on many other occasions. Moreover, the parish priests assume a greater share of the burden arising from hospitality and the care of the sick and the poor, so that the vicars are not unduly burdened in this regard. Considering all these concessions, the parish income would be diminished even more if there were not at least some compensation, introduced both by custom and by the tacit and unanimous consent of the parish priests and vicars. Specifically, with regard to sung Masses, both those endowed and those offered by the faithful, of which there is a large number in each parish, and which cannot be paid for by the parish priest alone, the parish priests, when they are obliged to entrust these Masses to their vicars, retain a portion of the stipend that is established for the priest celebrating, either from the endowment or by the Ordinary for a sung Mass offered by the faithful, in order to supplement the parish income, which has been notably diminished as mentioned above. This tacit agreement, approved by the Holy Congregation for the Propagation of the Faith on April 29, 1898, in accordance with a certain response of the Holy Council dated July 25, 1874, concerning endowed Masses, after the decree *Ut debita sollicitudine* of the Holy Council dated May 11, 1904, has aroused serious doubts in the minds of many church rectors. Some, after its publication..."

[*Latin ed. p. 204*]

Acta Apostolicae Sedis. - Commentarium Officiale. 204 Hoc decretum, cum magna detrimenta congruae parochialis, vicariis suis totum stipendium solvunt, quin aliquid ex vetere consuetudine supra memorata immutare ausi fuerint, timentes ne excitent populi admirationem turben-

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tque bonam pacem parochos inter et vicarios. Alii, praesertim rectores quidam parochiarum magnarum, innixi responso S. G. de Propaganda Fide diei 29 Aprilis 1898, nil innovandum esse duxerunt, ne ad eas rei familiaris angustias deciderent ut, aucta disparatio emolumentorum parochi et vicariorum, impares fierent ad implendum obligationes receptas et suo statui convenientes. Attentis hisce difficultatibus quibus apud nos premuntur parochi, a Sanctitate Tua humiliter peto ut, ad consulendum conscientiae parochorum, ad tuendam congruam parochialem, ad pacem ac concordiam parochos inter et vicarios servandam et admirationem populi vitandam, praxim hucusque receptam approbare digneris, iuxta declarationes a S. G. Concilii exhibitas in Monacen. 25 Iulii 1874, Hildesien. 21 Ianuarii 1898 et responsum S. G. de Propaganda Fide diei 26 Aprilis 1898 in Luxemburgen. » Emi Patres S. Congregationis Concilii in generalibus comitiis die 26 Februarii 1910 respondendum censuerunt: Attentis particularibus circumstantiis iisque perdurantibus, pro facultate retinendi vigentem praxim, facto verbo cum SSmo. 1 S. C. Concilii 25 Iulii 1874, - Archiep. Monacen. - In parochorum reditibus etiam Missarum fundationes, singularum parochiarum propriae, et publicae functiones occasione exequiarum vel benedictionis matrimoniorum peragendae numerantur, quibus pro Missis sive fundatis sive casualibus certa stipendia ordinario maiora parocho assignan¬ tur, quae stipendia partem integralem beneficii parochialis constituunt. Quaeritur, utrum parochi impediti celebrationem harum Missarum alteri sacerdoti sic tradere debeant, ut totum stipendium constitutum pro celebratione talium Missarum solvant, an potius sufficiat ordinarium vel aliquanto maius ab Archiepiscopo statuendum, ita ut quod supersit ab ipsis parochis, quibus Missae eaedem in partem redituum assignatae sunt, tuta conscientia retineri possit. B. Attento quod eleemosynae Missarum, de quibus in precibus, pro parte locum teneant congruae parochialis, licitum esse parocho, si per se satisfacere non possit, Missas alteri sacerdoti committere, attributa eleemosyna ordinaria loci, sive pro Missis lectis sive cantatis.

[*Latin ed. p. 205*]

Sacred Congregation of Rites. U 205. SACRED CONGREGATION OF RITES. NOTICE TO EDITORS OF LITURGICAL BOOKS.

I. In the General rubrics of the Roman Breviary, title I, X, number 6, after the Feast of the Nativity of the Blessed Virgin Mary, the Seven Sorrows [of Mary] must be inserted, on the third Sunday of September.

II. In the winter part of the Roman Brely, on the Feast of St. Thomas Aquinas, on March 7th, where the words are: "Feriae: In Lectio IX, de Homilia etc.", under "Quadragesima", the reading "Lectio IX, de Homilia et comm." must be changed.

III. In the rubric of the Breviary and the Daily Psalter, which is found on September 16th, on the Feast of the Holy Martyrs Cornelius and Cyprian,

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and which begins: "If the Feast of the Holy Martyrs Cornelius and Cyprian should occur on a Sunday, etc.", and which is contained in Vespers and Lauds only, the words "Vespers and Lauds" must be deleted.

IV. In the Roman Missal, both in the Feast of the Seven Founders [of the Servite Order], and in the Introit Mass for the most part of March, in the place for the Gradual to be read, the words: "in generationem et generationem", as it is read in the text of Holy Scripture, Ecclesiasticus 44:14, must be placed.

V. In the Roman Ritual, the Blessing of a New Bell, which is intended for the use of the Church, or Chapel, approved by the Decree of the Sacred Congregation of Rites on January 22, 1908, must be placed among the reserved blessings in the appendix, before the simple blessing of a new bell, which, however, is not intended for the use of the Church, and which has recently been reformed.

VI. Also, in the Roman Ritual, the Blessing of a Bookstore and Printing Machine, recently approved by the Decree of May 12, 1909, must be inserted among the non-reserved blessings, in the appendix, before the blessing of a newly erected school building.

DECREE.

Our Most Holy Lord, Pope Pius X, having heard the aforementioned Cardinal Prefect of the Sacred Congregation of Rites, has decreed that the aforementioned variations be inserted into the Roman Breviary, Missal, and Ritual, respectively.

March 9, 1910.

Fr. S. CARD. MARTINELLI, S. B. G. Prefect.

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[*Latin ed. p. 206*]

Acts of the Apostolic See. - Official Commentary. 206 SACRED ROMAN ROTA OF MILAN (Milan). NULLITY OF MARRIAGE - BALZAN-ADAMI. During the seventh year of the blessed Pontificate of Pope Pius X, on February 15, 1910, the Most Reverend Fathers, the Reverend Monsignor John Prior, the Reverend Monsignor Aloysius Sincero, and the Reverend Monsignor Joseph Mori, Auditors at Tournon, in the cause of marriage, between Eugene F. D'Alessandri, plaintiff in the Milanese cause, and Itala Adami, with the intervention of the Defender of the Bond ex officio, pronounced the following definitive sentence. Eugene F. Balzan, born on April 20, 1874, in the diocese of Atri, was sent by his parents to Verona in 1889, when he was fifteen years old, for the purpose of study. Almost a year after his arrival in that city, he fell in love with Itala Adami, a girl seventeen years old, who lived with her parents in the parish of Saint George in Bra, in the same city, and whom he often saw working as an assistant in a herbalist's shop. They promised each other marriage; however, the son, being younger than

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Eugene, refused to consent to the marriage. Because the son was underage and lacked parental consent, the civil marriage could not be celebrated. Furthermore, canon law prohibited the celebration of a religious marriage unless a civil contract had been previously entered into. Therefore, when Eugene requested only a sacramental bond with the girl, the parish priest of Saint George in Bra, the Reverend Caetan Masotti, the girl's own parish priest, and the Curia of Verona absolutely refused. Undeterred by these rejections, Eugene turned to his brother Paul, who, having been in a similar situation, had quickly married before the parish priest of All Saints in Padua. Paul was speaking with the parish priest of the church of All Saints, who declared himself willing to celebrate the marriage, provided that he be presented with a delegation from the parish priest of the bride. When Paul insisted with Father Masotti, the latter granted Eugene certain marriage documents, namely attestations of the free status of both parties, as well as the baptismal certificate of the bride, and a letter to the parish priest of Mortesina, dated December 31, 1891, which reads as follows: "The undersigned..."

[*Latin ed. p. 207*]

The Roman Rota, number 207, had already sent the documents pertaining to the marriage of Eugenio Francesco Balzan of Lorenzo with Itala Adami of Francesco, and at the same time, declining all responsibility, declared that it had no objection to her or others attending the aforementioned marriage. Equipped with these documents, on the morning of January 2, 1892, the parties petitioned in Padua, and in the church of All Saints before the parish priest Mortesina, who had already obtained a dispensation from the proclamation of banns, and who considered himself to have been delegated by the bride's own parish priest to attend the marriage in good faith, they entered into the marriage according to the Tridentine form. However, the marriage had an unhappy outcome, and the union was soon broken. Several years later, Eugenio sent a petition to the Milanese Curia, requesting that his marriage to Itala Adami be declared null and void under the head of clandestine marriage, due to the absence of her own parish priest. This Curia, having obtained a delegation from the Bishop of Padua, conducted the proceedings and issued a judgment on March 17, 1909, in which the marriage was declared null for the aforementioned reason. From this judgment, the Defender of the Bond of Milan appealed to the Holy Office, according to the Benedictine Constitution, "by the mercy of God," and today it is to be determined on the following question: Does the nullity of the marriage exist in this case? It is important to note from the outset the central point of the entire matter to be resolved. The case hinges entirely on the question of whether the Archpriest Masotti, the bride's own parish priest, granted permission to the parish priest of the church of All Saints in Padua, D. Vincent Mortesina, to attend the marriage. And the solution to

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this question must be sought in the interpretation of the transmission of the documents pertaining to the marriage from the bride's own parish priest to the parish priest Mortesina, who attended the marriage, and the letter that we mentioned above, with which the parish priest of Padua believed he had received, and no other documents were attached. Only the following arguments are presented to prove that the Reverend Vincent Mortesina received permission to attend the marriage under oath: "The parish priest who had the right to the marriage sent me everything; therefore, he intended to transmit the right to me. - For me, the fact was an implicit delegation - the fact was stronger than the words." And, according to him, this delegation is also evident from the letter of the parish priest Masotti, which he sent along with the aforementioned documents, the text of which was: "The undersigned takes pride, etc.," as mentioned above in the specific facts: "I understood it as a delegation, and that is why I did not delegate any other priest," testified the parish priest Mortesina. The Archpriest Masotti, in his sworn deposition, completely denied having...

[*Latin ed. p. 208*]

208 Acta Apostolicae Sedis. - Commentarium Officiale. It has never been the case that permission was granted, and a witness, according to a doubtful matter concerning the validity of the priesthood, assisted at a marriage, and this, as Brentegani asserts, concerning a marriage, when the spouses, having been separated from each other since the birth of their children, were living apart. Since the parish priest himself denies having granted permission, the burden of proving that the delegation was given falls upon the parish priest of Mortesina and the contracting parties, according to what Sanchez states, De Matr. disp. 37, n. 5: "When someone objects to a priest who officiated at a marriage, claiming that he lacked permission, the burden of proving it falls upon him, as Cephalus states, const. 47, n. 2, vol. 1, which is not without difficulty: for it seems that the intention of the objector is based on the decree of the Council of Trent, Session 24, chap. 1, on Marriage, asking why permission was granted: and since it seems that this is a matter of fact, it is not presumed: the burden of proof is transferred to the contracting parties, or the priest who officiated." But Mascardi, conclus. 984, offers another view on this matter, and n. 3 resolves that, if permission is objected to by a third party, the burden of proof lies with him; but if it is objected to by the proper parish priest, the burden of proof is transferred to another priest and the contracting parties." With regard to the law, it is important to recall the famous decree of the Council of Trent, "Tametsi," on the Validity of Marriages, Session XXIV, chap. 1: "Those who contract marriage otherwise than with the present parish priest, or with another priest, with the permission of the said parish priest or Ordinary, and with two or three witnesses, the Holy Synod declares to be entirely incapable of contracting marriage in such a manner: and such contracts are

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declared to be void and null, as this present decree makes them void and null." In order for another priest, besides the proper one, to be constituted as a qualified witness at a marriage, it must precede an act of positive will externally expressed by the proper parish priest or Ordinary, by which he is granted permission to assist, as the decree states. Therefore, a presumed or interpretative permission, which in reality does not exist, but would only exist under a certain hypothesis, is not sufficient to constitute a marriage witness. Regarding Sanchez, de Matr. lib. 3, disp. 35, n. 24: "When permission and jurisdiction are necessary for the substance and validity of a thing, as in penance and marriage, future ratification is not sufficient. Because (as I have shown in 18) permission must precede, and in future ratification, permission and consent do not precede, but only a probable presumption of consent being given afterwards." But through tacit permission, insofar as it is distinguished from presumed or interpretative permission, the positive will of the proper parish priest or Ordinary can be sufficiently expressed, delegating another priest to fulfill the function of a qualified witness. Cf. Sanchez, l. c. n. 20; Bened. XIV. Inst. Eccles. 33.

[*Latin ed. p. 209*]

Sacred Roman Rota, no. 12, 209. While elsewhere in law this general power of delegation is not restricted to an explicit delegation, it must be said that a delegation is present when the "preceding and truly conclusive" acts (Wernz, *de Matr.*, p. 289) demonstrate that this was the intention of the one to whom the power to delegate is legally granted. Fagnanus, in chapter 2, on clandestine marriages, nos. 31 and following, cites certain declarations of the Sacred Congregation of the Council which appear to be contrary, one of which is the following: "Whether it suffices for a priest, who is not the proper pastor of the contracting parties, to join them in marriage, if there is a tacit license resulting from the tolerance of the Sacred Congregation; it was judged that this is not sufficient, but that either a general commission to administer all the sacraments is required, or, if this is not present, a special and explicit license." However, Cl. P. Wernz, *loc. cit.* (222), notes: "If it is disputed whether a tacit license is sufficient, the dispute often concerns the name rather than the thing itself: for a tacit delegation which, with regard to the matter, is merely interpretative or presumed, is certainly not valid. Cf. Sacred Congregation of the Council in the case of Paris, December 14, 1889, in *Acta S. Sed.*, vol. 22, no. 477 and following; and the response of the Sacred Congregation of the Council in the case of June 22, 1581, which seems to disapprove of tacit license, should rather be understood as referring to a tacit license in the broad sense, i.e., a presumed license." The acts must be called "truly conclusive" only when it can be clearly inferred from them that a delegation was intended, or if the acts do not admit of any other probable explanation. In fact, in the present case, the letter previously mentioned from the pastor Masotti

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must be given priority. His words – "At the same time, declining all responsibility, he declares that on his part, there is nothing to prevent him or others from assisting at the aforementioned marriage" – contain a negative formula ("nothing to prevent") and a vague designation of the person who may assist at the marriage ("him or others"), which, although of doubtful value in themselves, might suffice to confer a legitimate title to assistance, if the context and the accompanying circumstances would have shown the writer to have intended to delegate: but in the immediate context, other words occur: "declining 'all responsibility'," which completely negate the force of the delegation itself, especially if the preceding acts are considered. As Barbosa notes, Axiom 222, no. 48: "The preceding words declare the following, and conversely, 1. as in *utrum*, ff. de petit, her., 1. qui filiabus, in princ., etc. Indeed, that the preceding words declare the following more than the reverse, is said by Cephal. cons. 156, no. 10 and following, and cons. 351, no. 38 Paris., cons. 23, no. 118, lib. 1." If, in fact, the pastor has delegated, the act of delegation, whether well or poorly done, is necessarily imputed to him. He who grants permission for a certain act cannot disavow the responsibility inherently attached to such a concession, and is bound by it.

[*Latin ed. p. 210*]

210 Acta Apostolicae Sedis. - Official Commentary. comparable. The parish priest Masotti, therefore, clearly expressing that he assumes no responsibility in the matter, by doing so, he expresses that he does not wish to grant permission to officiate at the marriage. In other words, the clause, in which he rejects responsibility, sheds light on the doubtful proposition that follows: "with no objection to him or others officiating," and determines the negative meaning of the same, which the words themselves naturally suggest, so that it is equivalent to a declaration from the writer that he does not wish to place any obstacles in the way of the parish priest of Mortesina or any other priest officiating at the marriage. For the parish priest Masotti could not only have shown his negative attitude with respect to the celebration of the marriage by denying permission to officiate, but also have revealed the opposite, namely by urging reasons to the Curia of Padua or to the fiancé, in which it would be shown that the marriage should not take place: - for example, a disparity in the condition of the betrothed, the minor age of the young man, parental disagreement, the impossibility of entering into a civil contract - all these indications are not obscure signs of some impending misfortune. The preceding circumstances confirm this interpretation of the same letter. 1. The diocesan law of Verona prohibited the celebration of a religious marriage unless a civil contract had first been concluded. 2. In obedience to this law, the parish priest of the bride refused to officiate at the marriage, as all witnesses testify; that is, the groom and bride, the father and mother

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of the bride, the parish priest Masotti himself, and others, indeed, from hearsay. Indeed, the father of the bride, who favors the validity of the marriage, testifies that the parish priest Masotti, not once, but repeatedly and spontaneously, showed himself to be opposed to the marriage: "It was the parish priest who came to my house several times to tell me that he could not celebrate the marriage because the groom was too young." 3. The groom testified that his brother, Paul, who was taking care of all preparations for the marriage in Padua, had refused to grant the delegation requested by the parish priest Masotti: "He refused to grant the delegation, saying that at most he could declare that he had no knowledge of any obstacles or impediments in the way of the marriage of myself and Adam." Nevertheless, the Fathers considered it necessary to exclude this testimony, because the witness is alone in his own cause, and that too, from hearsay. Nevertheless, it was noted that the parish priest Masotti had no part in the matter in which the marriage was to be celebrated in Padua. 4. The Curia of Verona itself, which it is important to note, denied permission to proceed with the marriage, as the father and mother of the woman also testify. And the General Vicar of Verona declares, who at the time when the marriages were initiated was already performing the same function: "The one who writes remembers very well that he denied consent to the celebration of the marriage, for the reason that the groom lacked the prescribed age.

[*Latin ed. p. 211*]

In Romana, Book 211, "he could not, if not after a long time, have reconciled himself with the 'civil party.' Certainly, the Archpriest Masotti, having this negative response, should not have delegated to others the celebration of the marriage." The parish priest would have acted very imprudently if, after the opposition of the Curia, he had dared to grant a delegation, especially in a case where the spouses, residing in the episcopal city, would be an example to all of how easily both the diocesan law and the opposition of the Curia itself could be circumvented. All these circumstances, especially when considered together, entirely constitute a presumption contrary to the validity of the delegation. Furthermore, the testimony of the parish priest Masotti should be considered of great value. Indeed, they acknowledge that his deposition, even if sworn, that he never had the intention of delegating, would have no effect, if it could be shown that he had sufficiently expressed his will to delegate, regarding which, in matters pertaining to the external forum, "there is nothing but what appears." But when he has no interest in the case, and explains his own actions, even if he is the only witness regarding certain things he has testified, he must be considered of great authority in the matter. The priest Brentegani himself, who has shown himself to be somewhat unfavorable to him, confesses: "I do not believe that he is now capable of betraying the truth and of allowing himself to be corrupted." De Luca, in De Iudic., book

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32, section 59, notes: "The rule is that a single witness does not conclude proof, according to the common assumption that what is said by one is said by none; and yet, in some cases, even a single witness is often considered sufficient for full proof, or for a proof that is more than a mere support, so that it may supplement something lacking, especially if it concerns a qualified witness, or a witness who is in the middle, because he is a witness who is deposing about his own actions, having absolutely no interest in the matter, either financial, or of reputation, or of affection; or if it concerns the proof of an ambiguous thing, an interpretation of wills, and even sometimes in acts in their entirety, but especially in the last, among the living." The parish priest Masotti testified: "I absolutely assert that I certainly did not have the intention of delegating." The same, according to the witness Brentegani, asserted before the doubt arose about the validity of the marriage that the spouses were living separately. The meaning of the letter, which he wrote to the parish priest Mortesina, is explained as follows: "The meaning of everything was this: 'Let her do what she thinks she can do, and I will withdraw from all responsibility, and I will claim nothing of my rights.'" The father of the bride does not contradict, but rather confirms, when he testifies that he promised "his support," and that the letter was "a simple recommendation."

[*Latin ed. p. 212*]

212 Acta Apostolicae Sedis. - Official Commentary. However, it did not seem to the aforementioned parish priest, Masotti, necessary to grant such a delegation, so that the marriage could be validly and lawfully contracted in Padua. For he knew very well that there was a parish priest of the groom present there. Indeed, he states: "The spouses told me that they were going to contract marriage before the parish priest of the groom, and I considered that that parish priest could legitimately assist in the marriage of Balzan, then a young man of 18 years." Therefore, everything was arranged in Verona after the autumn, and the spouses Balzan-Adami, upon their return from their journey, were considered lawfully joined, as he himself and others testify, and the daughter born from the marriage was inscribed in the baptismal register as having been born from lawful nuptials. The mother of the woman reports that after the wedding, she once said to her daughter: "I wrote a letter so that you would be married," words which, if such credence can be given to this witness, cannot mean anything other than the letter which has already been sufficiently and thoroughly explained. From the transmission of documents, the intention of granting a delegation is not more clearly proven than from the words of the letter, which was attached to the documents, and the reason for this action must be inferred from those words and from the circumstances, as mentioned above. Furthermore, since it was impossible to celebrate the marriage in Verona or in the Diocese of Verona, the parties had the right to seek to obtain the desired

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outcome elsewhere, so that a brighter hope might shine upon them. Moreover, as has been said, the parish priest Masotti, having been involved in this matter, could not refuse to provide the parties with the documents necessary for the marriage, even though they requested them. Therefore, the parish priest of Mortesina did not have permission to assist in the marriage, either expressly, or tacitly, or manifestly, based on the facts preceding and truly concluding. After carefully considering all of the above: invoking the name of Christ, and with God alone before our eyes, We, the undersigned Auditors, sitting as a tribunal, concerning the proposed doubt, declare, pronounce, and definitively sentence: that the marriage is null and void in this case, saving the legitimacy of the daughter born from the marriage, and furthermore, that the expenses are to be paid by Eugenio Balzan.

[*Latin ed. p. 213*]

1. Secretariat of State. 213 Thus we pronounce, commanding the Ordinaries of the places and the ministers of the tribunals to whom it pertains, that they should order the execution of this sentence, and against those who resist, they should proceed according to the norms of the sacred canons, and especially chapter 3, Session XXV, concerning Reforms of the Council of Trent, employing executive and coercive means that are more effective and suitable for the circumstances. Rome, on the 23rd of February, 1910. John Prior, Cardinal. L. J$i S. Aloysius Sincere Joseph Mori. Sac. Tancredes Tani, Notary. SECRETARIAT OF STATE DOCUMENTS * CONCERNING LATIN AMERICA AND THE PHILIPPINE ISLANDS. L. LETTER TO THE ARCHBISHOPS, BISHOPS, AND OTHER ORDINARIES OF PLACES IN LATIN AMERICA AND THE PHILIPPINE ISLANDS. Most Reverend and Venerable Lords, The Most Holy Pope, Our Lord of Latin America and the Philippine Islands, through a Rescript issued on the 1st of the present month of January, which is printed in type, has deigned to grant a most ample Indult concerning fasts and abstinence, valid for ten years. As Your Eminence can see, the graces which the Holy See has extended to all the Dioceses of the aforementioned regions through this general Indult concerning fasts and abstinence are of such importance that they surpass the benignity shown in the consciences of the faithful by the conditions and prescriptions of the Indult of the year 1899, so that they certainly overcome all that has been granted in this matter in past times, in those places where the Bulla Cruciatae, as it is called, was in force. Since, however, this Bulla and the Indults or Summaries of Lent, or other Rescripts of that kind, which were customarily given along with the aforementioned Bulla, have long been in effect in many parts of A-

[*Latin ed. p. 214*]

Acta Apostolicae Sedis. - Official Commentary. In those Latin regions, the aforementioned privileges no longer held force, and where they were

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in effect, the alms that were to be paid under this title were, rather than from a true disregard for the laws of the Church, provided by fewer, in proportion to the number of the faithful, and with diminishing zeal for the Christian faith. The same Pontiff, most wisely desiring that what had been established at the beginning for the peace and good of souls should not, due to human weakness, degenerate into a new occasion for sin and a detriment to the eternal salvation of many, decided and decreed that the use and obligation of the aforementioned Bull of Indulgences, as well as the Quadragesimal Indulgences or Summaries, of which we spoke above, should cease throughout all of Latin America and the Philippine Islands. This will ensure that in those places where these privileges were previously in effect, those who had obtained them will no longer be required to renew them, and those who have not obtained them have no reason to complain. As for the other faculties and graces that were hitherto granted through the same Bull, if the reason and purpose of the Apostolic faculties, with which the Bishops of those regions are usually endowed, are considered, as well as the supreme benevolence of the Holy See "in granting, both in a general and a particular manner, plenary or partial Indulgences," it will be evident that all of these, in part, are abundantly compensated for now, and in part are granted from another source, but with equal generosity; therefore, from this cessation of the aforementioned Bull of Indulgences, it is permissible to foresee that the faithful of those regions will suffer no detriment whatsoever, nor any diminution of the spiritual benefits of the Church. For: 1. The spiritual benefit of the Indulgences granted through the aforementioned Bull, both to the living and the dead, can easily be sufficiently and abundantly supplied through the many works of piety and prayers that now exist, by which the Church enriches with Indulgences. 2. The faculties that were granted for the duration of the interdict seem, in the present practice of the Church, to be rarely needed; and if, by chance, a case of this kind should arise, the application of the interdict will be mitigated to such an extent that the necessity of seeking the aforementioned Indulgences will hardly be felt. 3. A clear path is open for the commutation of vows and oaths, due to the Apostolic faculties that are communicated to the Bishops by the Holy See for a not insignificant period of time, and due to the many privileges and particular Indulgences with which many of the clergy, as confessors, are accustomed to enjoy. 4. These same faculties seem also to suffice for cases of canonical impediments, as well as for the difficulties that often arise from the penalties incurred by Beneficiaries in the acquisition and use of their benefice.

[*Latin ed. p. 215*]

Secretariat of State. 215 5. ° The same must be said concerning absolution from censures, dispensations regarding canonical irregularities and certain matrimonial impediments, and the license to celebrate Mass before dawn

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and after midday; all of which have been excellently provided for by the Most Holy See through the faculties granted by the Bishops of those regions, which far exceed those contained in the Bulla Cruciatae. In addition to these matters, Your Eminence will also find a Rescript, by which certain faculties, granted to the Dioceses of Latin America by Pope Leo XIII in the year 1900 for a period of ten years, are confirmed, first by a Rescript issued by the Most Holy Congregation for Extraordinary Ecclesiastical Affairs on January 1st, under numbers 1, 2, 3, 4, 6, 7, and 8, and then by a Rescript of the Most Holy Congregation of the Council, granted on May 4th, for another ten years, and extended to the Philippine Islands for the same period. I felt it was necessary to bring all of this to your attention and to present it for your consideration; and now, only the expression of my most sincere esteem remains. To Your Eminence, from Rome, on March 1st, 1910. Most devotedly, R. CARD. MERRY DEL VAL. THE INDULGENCE REGARDING ABSTINENCE AND FASTING FOR LATIN AMERICA AND THE PHILIPPINE ISLANDS. From the Audience of His Holiness, January 1st, 1910. The Archbishops and Bishops of Latin America, convened in plenary session in the City, in the year 1899, presented to Pope Leo XIII the great difficulty in which the faithful of their dioceses found themselves, due to the special conditions of the regions, in observing the ecclesiastical laws regarding fasting and abstinence, despite the generous indulgences already granted by the Most Holy See. Therefore, they humbly requested that His Holiness would deign to grant a broader and more general dispensation for Latin America. Furthermore, the same Pontiff, after mature deliberation and with the vote of several Cardinals of the Holy Roman Church, considering the most serious reasons presented, and with the reference of the undersigned Cardinal from the Secretariat of State, wishing to respond to the needs and anxieties of souls, while observing the ecclesiastical law regarding fasting and abstinence, and preserving the permanent exemptions from that law according to common law, and admitting, according to the rules of approved authors,

[*Latin ed. p. 216*]

216 Acta Apostolicae Sedis. - Official Commentary. Furthermore, He granted an indulgence and a general dispensation, subject to certain conditions. However, since those causes are not only persistent, but also suggest a relaxation of the aforementioned conditions, the Most Holy Pope Pius X, through Divine Providence, so that those faithful or heads of families who, through a petition imposed upon them, or through taxes for alms prescribed by the Bull Cruciatae or elsewhere, might not suffer spiritual harm, especially those who, perhaps not out of disregard for the law, but rather out of weakness and human frailty, do not fulfill the burdensome conditions and prescriptions, and yet presumptuously enjoy the indulgence, as experience has shown; He deemed it fitting to grant a new indulgence,

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out of special benevolence, for a period of ten years, and He granted that, each year, all and every Ordinaries of Latin America and the Philippine Islands, upon mentioning the apostolic delegation, should simply and literally promulgate it, as it is written, whereby: I. The law of fasting, without abstinence from meat, shall be observed on the Fridays of Advent and the Fridays of Lent. II. The law of fasting and abstinence from meat shall be observed on the fourth day of Ash Wednesday, the Fridays of Lent, and the Friday of the Greater Week. But on days of fasting, it will always be permitted to all, even religious, even if they have not requested a special dispensation, to consume eggs and dairy products in the evening meal. In the morning refectory, dairy products are permitted, saving the law of moderation, and excluding eggs. III. Abstinence from meat, without fasting, shall be observed on the four vigils of the feasts of the Nativity of Our Lord Jesus Christ, of Pentecost, of the Assumption of the Most Blessed Virgin Mary, and of the Apostles Peter and Paul. Regarding the use of this indulgence, the Most Holy [Pope] has deigned to establish the following: 1. The privileges granted in the Constitution *Trans Ocea¬ a num*, granted to Latin America on April 18, 1897, and extended to the Philippine Islands by another Indulgence granted on this very day, remain in force. 2. All other indulgences concerning fasting and abstinence, even those under the title of the Bull Cruciatae and the Summaries attached to that Bull, which have been in use until now, although confirmed by Apostolic Letters, are declared completely and totally abolished throughout all of Latin America and in the Philippine Islands. 3. No tax of any kind, nor any alms under any title, shall henceforth be imposed for the use of this indulgence: nor is a petition for the same indulgence required from individual faithful or heads of families.

[*Latin ed. p. 217*]

Secretariat of State. 4. Although, from the head of the dispensation concerning fasts and abstinences, or from the title of indulgences of the Bullae Cruciatae and Summaries, which were attached to this, no tax nor any alms can be imposed, nevertheless, His Holiness urges the faithful who are able to do so, not to neglect to contribute, through spontaneous alms, to the expenses of divine worship, the Christian education of youth, beneficence, and missions; for which purpose, each year, on four days of precept, extraordinary collections of alms shall be made in a uniform manner in each ecclesiastical province or region of Latin America and the Philippine Islands, by the respective Ordinaries, in all parochial churches and in all churches and chapels subject to the jurisdiction of the Bishops, and shall be delivered to the respective Ordinary; to whose prudence and conscience the distribution of these same alms is entrusted. And all the faithful should, with special diligence, but not under precept, endeavor to compensate for this benevolent indulgence of the Holy See with pious prayers, especially

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through the recitation of the Rosary of the Blessed Virgin. 5. Religious men and women of both sexes, not bound by a special vow, although they are from the Families of the Order of the Minor Observants, may, with the consent of their Superiors, make use of the present indulgence, even with regard to abstinences and fasts prescribed in their own rule or statutes. However, Regular Superiors, especially Provincials and quasi-Provincials, are to be encouraged to take care to abstain, as far as possible, from the use of this indulgence within the cloister; and those subject to them should follow the judgment of their Superiors. All things to the contrary, even those of the most special kind, notwithstanding. Given at Rome, on the day, month, and year aforesaid. R. CARD. a MERRY DEL VAL, Secretary of State. III. FACULTIES DECENNIALIS GRANTED TO BISHOPS OF LATIN AMERICA AND THE PHILIPPINE ISLANDS. From the Audience of His Holiness, on January 1, 1910. His Most Holy Father, Pope Pius X, having heard me, the undersigned Cardinal of the Secretariat of State, certain privileges granted to Latin America by Leo XIII in the year 1900 for a period of ten years, are now extended for another ten years. ACTA, vol. II, n. 5. - 31-3-1910. 15.

[*Latin ed. p. 218*]

Acta Apostolicae Sedis. - Official Commentary. He was pleased to confirm, and to extend for a period of ten years, the following provisions, specifically: I. That whenever the Profession of Faith must be made before the Bishop, and a grave necessity arises, it may also be emitted before a delegate of the Bishop himself. II. That where it is necessary, due to the scarcity of priests, after consultation with the Chapter, and where the Chapter is not present, after obtaining the opinion of the diocesan Consultors, the Bishop may, at each convocation or half of the convocations, call together either a portion of the Parishes or Rectors, or those whom he judges, in the Lord, to be most fitting to be called. III. That in Masses of the Living which are celebrated with singing, in the first and second class, on Sundays and other solemn days, and whenever the Sacrament of the Holy Eucharist is publicly exposed for the veneration of the faithful, even if sacred ministers are not present, it is permissible to perform incense offerings. IV. That the "Memoriale Rituum" published by Benedict XIII for rural parishes may also be used in non-parochial churches, in which the conditions of small churches are verified. V. That, considering the special circumstances of these regions, even clerics who are simply tonsured, who have been suspended from all office and benefice for more than three years, after the expiration of the three-year suspension, shall, unless they obtain special written permission from their own Ordinary, be legally entitled to wear the clerical habit and tonsure. VI. That the following, which may be safely admitted as special causes for deprivation from office and benefice, after due and legitimate, or threefold, warning, as stated in article 820

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of the decrees of the Plenary Council of Latin America, namely: 1. ° A public, persistent, and gravely culpable defamation concerning the morals of a priest, even after legitimate warnings, which causes serious harm to the care of souls; 2. ° The temerarious and, after a legitimate warning, stubbornly repeated admission to marriage of those who are rightly held by public impediments; 3. ° The temerarious omission of catechetical instruction, at least on Sundays and solemn holidays, for a major portion of the year, and persistently continued after a legitimate warning. Also, the temerarious and, after a legitimate warning, repeated negligence in the administration of the sacraments to the faithful who are in articulo mortis, even solely due to the cause of distance from the parish church; 4. ° Grave, public, and repeatedly repeated injustice and disobedience in the collection of taxes, especially in connection with marriages.

[*Latin ed. p. 219*]

Secretariat of State. 219 concerning matters to be addressed, contrary to diocesan laws regarding taxes; 5. Grave, public, and for a significant portion of the year, recklessly prolonged, and after a legitimate warning, stubbornly continued negligence in spiritual care and Christian instruction to be provided to the Indians and Negroes of the parish, according to the norms prescribed in the diocesan laws. VII. Considering the special circumstances of the aforementioned regions concerning ecclesiastical goods, the Bishop, with the prior consent of the Chapter or diocesan Consultors, shall have the power to: 1. ° To lease ecclesiastical goods for a period exceeding the usual three years, up to nine or twelve years, provided that, according to civil laws, there is no danger that the lease will pass into an emphyteusis; 2. ° To freely alienate ecclesiastical goods, where the sum of money does not exceed the value of twenty thousand livres of the currency of the nation, if necessity or evident utility require it, and the proceeds obtained therefrom shall be invested in a safe and profitable place, for the benefit of the Church or the cause to which the goods pertain. VIII. It shall be possible, wherever designated, for each Ordinary in his own diocese, in certain principal parishes, which are entrusted to priests of mature age, of proven life, endowed with uncommon knowledge and piety, to confer, in accordance with the legal procedure for the ordinary rule, upon all other parishes, and even those previously mentioned, if a prudent judgment of the Ordinary deems it necessary, the aforementioned benefits, without concurrence and at his discretion, saving, however, the privileges granted by the Apostolic See, and with the caution that Bishops shall use the power to transfer or remove parish priests only moderately and for just cause; burdened by the conscience of these same Bishops. IX. Bishops may confer all canonical benefits without concurrence, whenever they deem it expedient. Contrary provisions, even those worthy of special mention, notwithstanding. Given at Rome, on the day, month, and year aforesaid. R. CARD. a MERRY DEL

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VAL, Secretary of State.

[*Latin ed. p. 220*]

Acts of the Apostolic See. - Official Commentary. IV. GRANTING THE EXTENSION OF THE APOSTOLIC LETTERS "TRANS OCEANUM" AND THE CONSTITUTION "ROMANOS PONTIFICES" TO THE PHILIPPINE ISLANDS. From an Audience of the Most Holy Father on the first day of January, 1910. The Most Holy Lord, Pope Pius X, having heard me, the undersigned Cardinal Prefect of the Congregation for Extraordinary Affairs, and moved by special benevolence, has deigned to extend to the Ecclesiastical Province of Manila, or to the entire region of the Philippine Islands, the privileges granted to Latin America, through the Apostolic Letters "Trans Oceanum," dated April 17, 1897, which were granted for thirty years by Pope Leo XIII; but in such a way that, as long as said privileges remain in force for Latin America, they shall also be in force for the Philippine Islands at the same time, so that the duration of the privileges shall be the same both in Latin America and in the aforementioned Islands. Furthermore, He extends to them perpetually the Constitution "Romanos Pontifices," which was issued by the same Pope Leo XIII on the eighth day of May, 1881, from the Philippine Islands. Notwithstanding any contrary provisions, even those deserving of special mention. Given at Rome, on the day, month, and year aforesaid. R. CARD. a MERRY DEL VAL, Prefect of the Congregation for Extraordinary Affairs. LETTERS. I. TO REVEREND FATHER EMMANUEL M. NUÑES, O.M., GENERAL DEFINITOR IN SPAIN, CONCERNING A MESSAGE PRESENTED TO THE HOLY FATHER ON BEHALF OF THE ECCLESIASTICAL AUTHORITIES OF LUCEN, FOR THE PURPOSE OF DEVOTION. Most Reverend Father: The devoted message that the ecclesiastical authorities of Lugo sent to the Holy Father on February 5th of last year, has pleased His Holiness, as it could not but do so; for, considering the promotion and development of the Franciscan spirit among the faithful,

[*Latin ed. p. 221*]

The Secretariat of State, as is known from numerous pontifical documents of even recent times, is greatly pleased to see that the illustrious Franciscan Families are increasing their zeal, not only to increase the number of tertiaries, but also to make the ranks of these more vigorous and flourishing, through pious associations of young Catholics, which, under the names of Antonian Youth, Seraphic Youth, and others of a similar nature, are being established in the shadow of the flourishing tree of the Seraph of Assisi. His Holiness most cordially grants a special Apostolic Blessing to all the aforementioned Youth groups, along with the Religious and Authorities who promote and support them. It is pleasing to me to offer myself as

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your attentive and faithful servant, March 10, 1910. R. CARD. MERRY DEL VAL. L. © S. II. TO THE ILLUSTRIOUS M. EUGENE DUTHOIT, PROFESSOR OF POLITICAL ECONOMY AT THE CATHOLIC UNIVERSITY OF CATTOLICA IN FRANCE, PRESENTED WITH DEEP RESPECT TO THE MOST BLESSED FATHER, REGARDING THE WORK "TOWARDS PROFESSIONAL ORGANIZATION." Monsieur, The Holy Father has received with very special satisfaction the copy of the work entitled: "Towards Professional Organization," the fruit of your teaching at the Catholic University of Cattolica, and which your piety wished to offer to Him as a filial tribute. Among the means of effectively serving the cause of God today, there is no doubt that one of the first and most powerful is social action, provided that, first of all, one understands by this a constant effort towards Christian perfection, and a wide diffusion of this perfection around oneself. Only at this price can an era of justice and charity arise in the world, with an understanding of true economic interests. As you very rightly point out, it is the false liberalism and anti-Christian individualism, combined with an absolute autonomy of the human person, that have led civil society to the brink of the abyss that opens before it today. It is also this reckless utopia that dreams of radically eliminating inequalities that the very nature of things renders eternally irreducible. Concerned to spare the people...

[*Latin ed. p. 222*]

Acta Apostolicae Sedis. - Official Commentary. The Supreme Pontiffs have always been concerned about freeing Christians from these disastrous illusions; therefore, they have striven to formulate doctrines and establish constitutions for a Catholic social movement, thus inspiring, to the extent that it depended on them, a prompt and certain solution to these grave problems. Moreover, His Holiness, from the very beginning of His Pontificate, has invited the Catholic Action to propose its solution to the social problems of our time, and to put it into practice according to Christian principles. Therefore, your study, Sir, is timely, shedding new light on one of the most interesting and fruitful aspects of this great endeavor. Sending you, along with your family, the Apostolic Blessing, His Holiness charges me to express His paternal encouragement, to which I add my personal thanks for the copy of the same work that you have graciously sent me. Please accept, Sir, the expression of my most distinguished sentiments. March 12, 1910. R. CARD. MERRY DEL VAL. L. S. III. TO STANISLAUS MEDOLAGO ALBANI, COUNT, PRESIDENT OF THE ECONOMIC-SOCIAL UNION FOR CATHOLICS OF ITALIAE, CONCERNING THE PROPOSED DRAFT OF REGULATIONS FOR THE APPROVAL OF THE MOST BLESSED FATHER. The Holy Father has taken cognizance of the draft of Regulations that Your Excellency has presented for the sovereign approval of His Holiness. This Regulation, compiled by Your Excellency's Presidency to establish a closer unity of direction and

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a better coordination of forces between the minor and major federative centers within the Economic-Social Union, and informed by the principles of practical effectiveness, proves to be highly useful for this purpose, and has been received with great approval by His Holiness. The necessity for such a Regulation, as must be acknowledged, arises from the progressive multiplication of associations adhering to the Economic-Social Union, and from a salutary federative movement among similar associations, which in itself constitutes the highest praise for the current Presidency, which, called to serve in the field of Catholic Action, has arrived,

[*Latin ed. p. 223*]

y) Secretariat of the State. 223," with happy success, in gathering numerous Catholic institutions of an economic and social nature around it, and in grouping them into distinct centers, "in order to favor a more rapid and fruitful development of the individual parts, thereby enriching the life of the whole." The august Pontiff was pleased to observe this, drawing from it a source of comfort for himself, and of well-deserved praise for this Presidency, which has so well corresponded to the common expectations; therefore, the approval that it implores from the Holy Father cannot be desired too much, and I have the honorable task of communicating it, accompanied by the best wishes that the new Regulations, by contributing effectively to further strengthen and consolidate the bonds between the central body and the affiliated Federations, may render the communication of energy and mutual life more abundant among them, and may serve as a salutary incentive for institutions not yet federated, for a holy and desired emulation. Furthermore, should the increased number of Federations and the new needs that might arise, render wise modifications to the relationships between the Union and the Federations themselves necessary, the Presidency *pro tempore*, drawing from these new needs an opportunity for new and effective guiding principles, may introduce appropriate innovations or additions to the present Regulations, while always preserving that character which distinguishes the Union and which is imprinted upon it by the purpose for which it arose in the field of Catholic action. However, it is the fervent desire of the Holy Father that a warm and constant charity may make the hearts of all those adhering to the Economic and Social Union brothers in Christ, and that all Federations, diocesan or general, already existing or that will arise among similar associations belonging to the same Union, may always remain united and joined to it with docility, as that center which has as its own task the unification and coordination of all the economic and social action of Italian Catholics. Moreover, may the "For I am not ashamed of the gospel. For it is the power of God unto salvation to every one that believeth," which St. Paul so frankly repeated in his letter to the Romans, be imprinted in large and indelible characters on the flag of all Catholic institutions, and may an open and frank Christian

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profession form their glorious insignia and the luminous synthesis of the character that informs and distinguishes them. His Holiness has already had the opportunity to declare explicitly on this matter in the venerated autograph recently addressed to Your Excellency; today, taking advantage of this meeting, He returns to the same subject in order to once again impress upon all Associations, indiscriminately, those who are engaged in the Catholic field, to be and to show themselves to be thoroughly Catholic, not only in the shadows of their meetings, but also in the light of great manifesta-

[*Latin ed. p. 224*]

224 Acta Apostolicae Sedis. - Commentarium Officiale. concerning social matters; not only in the silence of *privata* life, but also in the noise of public life, so that each one may apply it to herself and repeat it with joy: "For in him we live and move and are: as some also of your own poets said: For we are also his offspring." And that the word of the Pontiff may find a faithful echo in the soul of all and each of the members of the Economic-Social Union, the Holy Father, Pius X, most generously imparts to them the Apostolic Benediction. March 15, 1910. R. L. SB CARD. MERRY DEL V A L. s. DIARIUM ROMANAE CURIAE S. CONGREGAZIONE DEI RITI. On April 5th of the present year, the Preparatory Congregation of Rites will be held in the Vatican Palace, to discuss the doubt concerning the miracles of the Venerable Servant of God, Anne Mary Taigi, of the Third Order of the Most Holy Trinity. NECROLOGY. March 18, 1910. — Monsignor Francesco Augusto Labeuche, Bishop of Belley.

[*Latin ed. p. 225*]

Year II. - Vol. II. April 15, 1910. No. 6. ACTA APOSTOLICAE SEDIS. OFFICIAL COMMENTARY. ACTS OF POPE PIUS X. BY HIS OWN MOTION, CONCERNING THE RECOGNITION BY THE SUPREME SACRED CONGREGATION OF THE HOLY OFFICE OF INDULGENTIARY GRANTS.

Concerning those which, having been granted by the Apostolic See, are rightly and prudently presented to the Roman Curia, and in order that, should any doubt arise concerning their validity, or should any other circumstance occur which might lead to their being questioned or easily impugned, We, wishing to safeguard the Sacred matters and to ensure that the Supreme Sacred Congregation may, with its own authority and by its proper imprimatur, fully attest to their efficacy and authenticity, declare the following:

1. The Indulgences which the aforementioned Supreme Sacred Congregation is to recognize are those which have been granted by the Apostolic See, whether they pertain to specific persons or to all, or to certain faculties.

2. The same Sacred Congregation shall inform the priests of whatever rank and dignity, and to all Christians, concerning the grants of indul-

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gences which it has recognized, and shall affix to them the force of the Holy Office, so that they may be lawfully dispensed and blessed.

3. After the Supreme Sacred Congregation has recognized the grants of indulgences, it shall publish them in the ACTA, Volume II, No. 6, dated April 15, 1910.

[*Latin ed. p. 226*]

Acts of the Apostolic See. - Official Commentary. 4. ° Regarding past confessions, they shall be considered valid only if they are presented to the aforementioned Sacred Congregation within six months from the publication of this Our Decree and are recognized by that Congregation; 5. ° Therefore, those requesting such concessions henceforth shall be obliged, under penalty of nullity of the grace obtained, to present a copy of the same to the aforementioned Supreme Sacred Congregation of the Holy Office, so that it may be duly recognized and approved. These things We decree, declare, and establish, with all contrary things, even with special and individual mention and derogation, notwithstanding. These shall be valid for all times, present and future. Given in Rome, at St. Peter's, under the Fisherman's Ring, on the 7th day of April, 1910, in the seventh year of Our Pontificate. PIUS PP. X. A PERPETUAL PARTIAL INDULGENCE IS GRANTED TO THE FAITHFUL WHO RECITE PRAYERS IN HONOR OF THE BLESSED VIRGIN MARY IMMACULATE IN THE PHILIPPINE ISLANDS. PIUS PP. X. For the perpetual memory of the matter. — Concerning those things which pertain especially to the good of faith and piety, particularly in distant regions, and which Our sacred prelates propose, because they have explored the needs of their own flocks entrusted to them, and they look after them with the greatest care, We, with a willing heart, gladly grant and bestow. Whereas the Venerable Brothers, the Apostolic Delegate in the Philippine Islands, the Archbishop of Manila, and the Bishops of the Philippine Islands, in the first provincial synod held in Manila, earnestly requested that We deign to grant an indulgence of seven years to all the faithful of those Philippine Islands or those residing therein, who shall devoutly recite the prayer written below in honor of the Most Holy Trinity, the Divine Heart of Jesus, the Virgin Mary Immaculate, and St. Joseph, We, greatly moved by prayers, and by such pious and eloquent requests, have, as far as in the Lord is possible, decided to accede.

[*Latin ed. p. 227*]

By the authority of the Holy Father Pius X, to all and each Christian faithful, of either sex, in the Philippine Islands, or residing in the Philippine Islands, if with at least a contrite heart, they shall pronounce the following prayers, in whatever language, we remit for seven years the number of canonical penances, according to the custom of the Church. And we grant that these relaxations of penances may also be applied for the benefit of the

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souls of Christian faithful, who, united with God in charity, have departed from this life. These prayers are:

"Thanksgiving and petition for the faithful and the people of the Philippine Islands. Glory to God, to the Son, and to the Holy Spirit; as it was in the beginning, is now, and ever shall be, world without end. Amen. We acknowledge You, the Father, unbegotten, You, the Son, only-begotten, You, the Holy Spirit, the Paraclete, the Holy and undivided Trinity, with all our heart we confess, praise, and bless You: To You glory forever; to You thanks forever: Confirm, O God, what You have done for us; save us and our people. May praise be to the divine Heart, through which salvation is opened to us. To Him glory and honor forever. Most Sacred Heart of Jesus, O Heart, delight of the angels, O faithful hope of mortals, we are Yours, we wish to be Yours, save us and our people: Hide us in the sweetest dwelling of Your charity. For You are sweet, O Lord, and forever merciful. Therefore, O sweetest Heart of Jesus, have mercy on our nation, which, nurtured in the faith of Your Church, has miraculously preserved the treasure of true faith, through You, and has guarded it against all kinds of snares. Therefore, O Most Sacred Heart of Jesus, accept the thanks of the clergy and the people of the Philippine Islands, who, through the abundance of Your benefits, have been saved. O Most Blessed Virgin Mary, preserved from original sin, most loving Patroness of the Philippine Islands, may praise be to You forever, eternal veneration, and thanksgiving in Christ Jesus. O Immaculate Mother, O most benign Mother, O sweetest and most august Queen, we sing the praises of Your mercies with grateful hearts, we take refuge under Your protection. O Lady, who captures the hearts of men with Your sweetness, You have captured our heart, You have captured the hearts of our people, You have received the first fruits of our faith, and through Your most benign patronage, You have strengthened, increased, and confirmed it in all the monuments of Your piety throughout our lands. O Lady, O our Mother, who crushed the serpent's head under Your virginal foot, deliver our people from the poisoned darts of the impious and heretics. You who were the Nurse and Educator of our people in the faith of Your most beloved Son, be also their Guardian, Defender, and Advocate. We are Yours, we wish to be Yours, show Yourself to be our Mother and Patroness, protect us, save us with Your most powerful prayers. Saint Joseph, most holy, Spouse of the Virgin Mother."

[*Latin ed. p. 228*]

228 Acta Apostolicae Sedis. - Official Commentary. To you, most beloved, who have always been a protector of the Philippine Islands, praise and veneration in Christ Jesus. Guardian of Virgins, whom the joyful choirs of the blessed celebrate, whom all choirs of Christ resound, intercede for us, receive our hearts, as a perpetual offering, to be offered, given, and delivered to the most sweet Heart of your Immaculate Spouse. Amen."

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Notwithstanding any objections. These present documents shall remain perpetually valid. We decree that, with respect to these present letters, or even printed copies thereof, if signed by the hand of a public notary and sealed with the seal of a person holding an ecclesiastical office, the same faith shall be given to them as would be given to the present documents if they were exhibited or shown. Given in Rome, at St. Peter's, on the fourth day of March, 1910, in the seventh year of Our Pontificate. R. L. yfa S. CARD. MERRY DEL V A L, Secretary of State.

LETTER TO THE REVEREND FATHER DOM JOACHIM CANTAGALLI, BISHOP OF FAVENTIA, CELEBRATING HIS TWENTY-FIFTH AND FIFTIETH ANNIVERSARY OF HOLDING THE SEE OF FAVENTIA, AS A TOKEN OF GRATITUDE. Venerable brother, greetings and the apostolic blessing. We know you to be a pious priest, polished by the same letters that delighted you from your youth, and we have rightly approved of you; we know you to be a most loving shepherd of the Lord's flock, diligently and prudently governing and nourishing it with authority and virtues, and we have loved and esteemed you; we know that recently, having completed your sixtieth year of priesthood, you, burdened by age, but even more so by merits, are completing your twenty-fifth year since you obtained the See of Faventia, having already commendably fulfilled your pontificate in Calliensi and Pergulano, and we are greatly pleased and, with heartfelt gratitude, we pray that the Almighty God, the giver of all good things, grant you all that is good. And so that nothing may be lacking in Our affection for you, We gladly add Our Apostolic Blessing to these matters, with which We earnestly implore for you, Venerable Brother, and for your entire clergy and people, the blessings of heaven. Given in Rome, at St. Peter's, on the fifteenth day of March, 1910, in the seventh year of Our Pontificate. PIUS PP. X.

[*Latin ed. p. 229*]

Sacred Congregation of the Council. Sacred Congregation of the Council.

I. CONCERNING THE COMPETENCE TO GRANT THE FACULTY OF CELEBRATING THREE MISSES OF THE NATIVITY OF OUR LORD IN PUBLIC CHAPELS AND CHURCHES.

The following question was proposed: "After the Constitution *Sapienti Consilio*, does the competence to grant the faculty of celebrating three Masses of the Nativity of Our Lord, at night, in public chapels and churches, which require this apostolic privilege, with the distribution of the Most Holy Eucharist, belong to the Sacred Congregation for the Discipline of the Sacraments, or rather, does it belong to the Sacred Congregation for Sacred Rites?"

After mature consideration, the Fathers of the Sacred Congregation of the Council judged that: "Affirmatively to the first part, negatively to the

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second."

In an audience granted by the Most Holy Father, the undersigned Cardinal Secretary, on March 11, 1910, the resolution was ratified and confirmed.

March 14, 1910.

C. CARD. DELAI, Secretary.

L. S. Scipio Tecchi, Assessor.

II. CONCERNING THE COMPETENCE TO GRANT THE FACULTY OF ACQUIRING GOODS USURPED BY ORDERS OR RELIGIOUS CONGREGATIONS.

The Sacred Congregation of the Council, having received a petition from the Vicario Capitulari of a certain diocese concerning the purchase of a building belonging to a Regular Order, which had already been taken from it by the civil government, proposed the following question to this Sacred Congregation of the Council: "After the Constitution *Sapienti Consilio*, does the competence to permit the faithful to acquire goods usurped by Orders or Religious Congregations belong to the Sacred Congregation of the Council, or rather, to the Sacred Congregation for the Discipline of Religious?"

[*Latin ed. p. 230*]

230 Acta Apostolicae Sedis. - Official Commentary. After mature deliberation and with the prior vote of the consultants, the Eminent Fathers judged it necessary to respond: "This matter pertains to the Sacred Congregation of the Council." In an audience granted on March 11, 1910, to the undersigned Cardinal Secretary, the Most Holy Lord approved the resolution. March 14, 1910. C. CARD. DE LAI, Secretary. L. S. Scipio Tecchi, Advisor. III. ROME, CONCERNING THE SOCIETY OF MISSIONARIES OF AFRICA. Recently, a request was made by the Superior of the Society of Missionaries of Africa, commonly known as the "White Fathers," to determine whether this Society, even after being subject to the Wise Council, remains under the Sacred Congregation for the Propagation of the Faith. And the Sacred Consistorial Congregation, after mature deliberation, judged it necessary to respond: Affirmative, in accordance with the resolution of this Sacred Congregation in Rome, on December 9, 1909, concerning certain other missionary societies. March 15, 1910. Carolus Perosi, Substitute. IV. APPOINTMENTS OF BISHOPS: By decree of the Sacred Consistorial Congregation, the following were appointed: March 21, 1910. — Reverend Father Joseph Gregory Castro, of the Order of Friars Minor, President of the residence of Ayacuquensis, to the cathedral church of Cuzco in the Republic of Peru. March 21, 1910. — Reverend Father Francis of Paula Grozo, parish priest of Saint Catherine in the city of Cajamarca, to the cathedral church of Caja-marca in the Republic of Peru. March 21, 1910. — Reverend Father Charles Garcia Irigoyen, canon of the metropolitan church of Lima,

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to the cathedral church of Trujillo in the Republic of Peru.

[*Latin ed. p. 231*]

Sacred Congregation of Religious Orders. 231, March 28, 1910. – Reverend Father Tiburtius Hajdu, O.S.B., has been appointed Archabbot of St. Martin in the sacred mountain of Pannonia (St. Martino di Monte Pannonia). April 1, 1910. – The Most Reverend Peter La Fontaine, Bishop of Cassano all'Ionio (Cassano all'Ionio), to the titular episcopal see of Charysten (Caristo). I. FROM THE AUDIENCE of April 5, 1910. DECLARATIONS REGARDING THE DECREE "ECCLESIA CHRISTI," ISSUED ON SEPTEMBER 7, 1909, "CONCERNING CERTAIN CANDIDATES NOT TO BE ADMITTED INTO RELIGIOUS FAMILIES." Concerning the Decree "Ecclesia Christi," dated September 7, 1909, regarding certain candidates not to be admitted into Religious Families, the following questions have been submitted to this Sacred Congregation, which presides over the affairs of Religious Orders, and the solutions are sought:

I. Whether candidates admitted to the Novitiate before the publication of the decree, and included within its scope, can validly be admitted to profession without the permission of the Apostolic See.

II. Whether those who, in some Religious Family, had already made their first profession before the publication of the decree, can validly be admitted to a second profession, namely, solemn profession in Regular Orders, and perpetual profession in other Institutes, if they are included in the decree.

III. Whether candidates can validly and licitly be admitted to the Novitiate, who, although not formally dismissed from Seminaries or Colleges, whether ecclesiastical or religious, or from a Novitiate, have nevertheless been dismissed in an equivalent manner, that is, those whom Superiors have induced or urged to leave voluntarily, lest they be dismissed.

IV. Whether those can be received who have made a profession of temporary vows in some Congregation, but, upon the expiration of the time, have not spontaneously renewed the same.

[*Latin ed. p. 232*]

Acta Apostolicae Sedis. - Official Commentary. The Most Holy Pope Pius X ordered that the following be answered: To I. Negatively. To II. Affirmative; but Superiors are bound by a grave obligation: a) to diligently seek out, in secret and under oath, information from the Superiors of the Seminary, or College, or Religious Institute from which the students in question originate, concerning the true causes of their departure; b) to morally ascertain and obtain confirmation regarding their good religious conduct, and concerning evidence of a firm vocation, and, if the case concerns clerical candidates, also regarding their literary aptitude. And the Superiors from whom the information is sought are bound, with a heavy burden on their conscience, to sincerely and under oath transmit the secret

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information thus obtained to the Superiors to whom it is addressed. To III. Indeed, by themselves, but entirely illicitly. And in order to eliminate any fraud or abuse in this matter of such importance, no Superiors shall admit any of these candidates until they are absolutely certain, through accurate and secret information obtained from the Moderators of Seminaries, or ecclesiastical or religious Colleges, or of the religious Institute in which the novices were, under oath, that the candidates in question have neither been formally dismissed, nor have been equivalently dismissed. And if the case concerns clerical candidates, it must also be established that they possess the necessary literary aptitude. To IV. Affirmative, provided that sworn information is obtained, as stated above, in the response to II and III. Notwithstanding any contrary provisions, even those deserving of special mention. Fr. J. C. CARD. VIVES, Prefect. L. © S. D. L. Janssens, O. S. B., Secretary. II. FROM AN AUDIENCE of the Most Holy Father, on the 5th of April, 1910. DECLARATION AND EXTENSION OF THE DECREE "QUUM MINORIS" ISSUED ON THE 15TH OF JUNE, 1909. Since in some Congregations and Religious Institutes, perpetual vows are not taken, but only temporary vows, or even merely a sworn oath of perseverance, or certain specific promises, by which students, after a period of probation, are associated with the Institute or Congregation,

[*Latin ed. p. 233*]

The Holy Congregation of Propaganda Fide. 233. These matters are connected to the aforementioned considerations; and since the decree of the Sacred Congregation concerning Religious Orders, dated June 15, 1909, which prescribes certain clauses concerning perpetual or temporary secularization and the granting of dispensations from vows, expressly refers to priests and clerics, who are established in the sacred ministry, who have made a profession of perpetual vows; hence, a doubt has arisen as to whether the same clauses are to be observed by priests and clerics established in the sacred ministry, who, although they have not made a profession of perpetual vows, but rather only of temporary vows, or a vow of perseverance, or certain specific promises, according to the norms of their Constitutions, can also obtain a dispensation therefrom. However, the Most Holy Pope Pius X ordered that the following answer be given: Affirmative, if Religious have been bound by temporary vows, or by a vow of perseverance, or by the aforementioned promises for a full period of six years. Notwithstanding any objections to the contrary. Rev. Fr. J. C. CARD. VIVES, Prefect. h. PB s. I). L. Janssens O. S. B., Secretary.

The Holy Congregation of Propaganda Fide. APPOINTMENTS OF BISHOPS. By Apostolic Brief, the following were appointed:

January 8, 1910. — Rev. Fr. Bernardinus Slaku, of the Order of the Friars Minor, Bishop in title of Tiberias, and Coadjutor with right of succession to the Most Reverend Bishop of Pult (Pulati) in Albania.

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February 15, 1910. — Rev. Fr. Eugenius Massi, of the Order of the Friars Minor, Bishop in title of Joppa, and Apostolic Vicar of Scian-si Sept. in China.

[*Latin ed. p. 234*]

234 Acta Apostolicae Sedis. - Official Commentary. S. CONGREGATION FOR RITES. i. ORDER OF THE MINOR FRATERS OR CUSTODY OF THE HOLY LAND. A Votive Mass of the Assumption of the Blessed Virgin Mary is granted in the Sanctuary of Gethsemane in the Holy Land. Brother Robert Razzoli, Priest of the Order of the Minor Friars and Custos of the Holy Places of Palestine, humbly presented to the Most Holy Pope Pius X that, by decree of the Sacred Congregation of Rites dated August 31, 1865, in one of the churches of the Order of the Minor Friars of San Francisco, among the votive Masses in sanctuaries of the aforementioned order or class, the following indulgence was granted: IX. Over the Tomb of the Blessed Virgin Mary in the Valley of Josaphat. At that time, hope had shone forth, not yet completely extinguished, that in the present time, the children of the Catholic Church might again frequent this most celebrated and most holy monument of the Mother of God, violently seized from them in the 18th century by schismatics to the detriment of Catholics, either as exclusive or at least as a common property, and might again celebrate Divine Offices, and especially the Mass. However, although it is entirely free for all and each faithful to visit the very Tomb of the Blessed Virgin Mary from morning to evening, and to acquire the Plenary Indulgence as often as granted by the Apostolic See and confirmed in that sacred place, priests, and especially pilgrims, are unable to celebrate Mass there in any way, even though they might otherwise desire to fulfill their devotion more fully. Therefore, in order to satisfy the fervent prayers of the priests and faithful, the aforementioned humble petitioner earnestly requests that the Votive Mass of the Assumption of the Blessed Virgin Mary, granted by the decree of August 31, 1865, and as it is read in the votive Missal used in the Holy Land and published in Jerusalem in 1898, may be recited by all and each priest in the continuous Sanctuary of Gethsemane, or the public chapel, which is separated by a small stone area from the very Tomb of the Blessed Virgin Mary in the same Gethse-

[*Latin ed. p. 235*]

Sacred Congregation of Rites. 235. Having thoroughly considered, until the time that this sanctuary is redeemed from the hands of those of every sect who are not Catholic. Furthermore, His Holiness, with the office of commendation, has received the prayers of the Most Reverend Procurator General of the Order of the Friars Minor, and having been presented to the Sacred Congregation of Rites by the undersigned Cardinal, and having considered the particular circumstances presented, and with the Prefect and

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others present, has benignly granted that the requested votive Mass of the Assumption of the Blessed Virgin Mary be celebrated by all and each priest in the aforementioned public chapel or sanctuary of Gethsemane, with the same privileges that would pertain to the sanctuary of the Sepulcher of the Blessed Virgin Mary, according to its rank and order; observing the rubrics and other things that must be observed. Contrary things notwithstanding. March 9, 1910. F. R. S. CARD. MARTINELLI, Prefect. Philip Canon Di Fava, Substitute. II. ASTURGA. DOUBTS CONCERNING CERTAIN CUSTOMS IN THE CATHEDRAL CHURCH OF ASTURGA. The Reverend Father Anthony Fernandez Nistal, the present Master of Ceremonies of the Cathedral Church of Astorga, at the mandate of his Most Reverend Lord Bishop, has humbly proposed the following doubts to the Sacred Congregation of Rites: I. From ancient times, the custom has been observed in the Cathedral Church of Astorga of solemnly blessing the baptismal font on Holy Saturday and on the eve of Pentecost; but since there is no parish or parish priest in that area who has jurisdiction, after the blessing of the font, water is poured into a basin. II. On Sundays and other more solemn feasts, the candle-bearers, while the Gospel is being read by the deacon, do not stand on the sides of the subdeacon, but on the sides of the clergy, who are in the Epistle corner and face the subdeacon who holds the processional cross. III. By an immemorial custom, the hebdomadary canon remains every day until Vespers, except on feasts and more solemn days, in his choral habit until the singing of the Magnificat, after which, he departs to the sacristy, and, having put on his rain cape there, he returns.

[*Latin ed. p. 236*]

Acts of the Apostolic See. - Official Commentary. 236 in the choir, sings the Office or the Offices, and, after the Vespers are finished, performs the Office up to the first verse of the first Psalm, after which, having begun, he again departs to the Sacristy, and, having laid aside the vestments, returns to the choir, to complete the Office. The question is asked: Are these customs to be continued, or at least tolerated? And the Sacred Congregation of Rites, with the diligent support of the Liturgical Commission, having carefully considered all matters, decided to respond: Regarding II and III, as explained, negatively. And thus it responded, on March 16, 1910. Fr. S. CARD. Prefect. MARTINELLI, L. © S. Philip Canon of Fava, Substitute. III. MELITEN (Malta). CONCERNING CERTAIN CUSTOMS AMONG THE ORDER OF PREACHERS. The Reverend Emmanuel Vassallo, Master of Ceremonies of the Diocese of Melitensis, with the consent of his Most Reverend Ordinary, presented the following questions to the Sacred Congregation of Rites: I. Are the Brothers of the Order of Preachers obliged to kneel before the diocesan Bishop when he attends the sacred functions in their churches? II. Does the decree of the Sacred Congregation, no. 3874 Melitensis, November 30, 1895, by virtue of which the same Brothers of

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the Order of Preachers can hold the image of the Crucifix turned towards themselves in processions, apply also to processions in which the diocesan Bishop participates? III. Is it permissible for Regular Prelates who have privileges, such as the use of the palmatoria, when they celebrate before the diocesan Bishop? IV. Are those who are obliged to attend the processions of the Litany of Saints of Marci, that is, the Rogation processions, permitted, after the procession is completed, to leave the church; or must they wait until the celebrant concludes the prayers after the recitation of the Litany? And the same Sacred Congregation, having heard the information from the Reverend Procurator General of the Order of Preachers, and with the diligent support of the Liturgical Commission, having carefully considered all matters, decided that the following answers should be given to the questions proposed:

[*Latin ed. p. 237*]

The Roman Rota. 237 Regarding I. Since, in the rite of the Order of Preachers, ministers and the lower clergy do not kneel before the Cross, but deeply incline their head, nor are they obligated to kneel before the diocesan Bishop. Regarding II. Affirmative. Regarding III. Affirmative, provided that the Bishop does not assist at the throne. Regarding IV. Negative regarding the first part; affirmative regarding the second, and the contrary custom should be eliminated. And thus it was written, on April 9, 1910. Fr. S. CARD. MARTINELLI, Prefect. L. © S. Ph. Can. di Fava, Substitute. SACRED ROMAN ROTA OF GAUDISIEN (Gozo). CONCERNING UNION AND ADMINISTRATION. During the happy reign of Pope Pius VII, in the tenth year of his pontificate, on January 10, 1910, BR. PP. DD. William Sebastianelli and Francis Heiner, appointed Auditors from Tournon, in the case of Gaudisiensi - Concerning Union and Administration - between the Chapter of the Cathedral Church of Gaudisiensi, represented by the legitimate procurator N. Ferrata, advocate, and the Clergy and Archpriest of the Venerable Church of St. George, represented by the legitimate procurator F. Solieri, advocate, pronounced the following sentence: In the year 1688, on April 27, by a decree of the Bishop of Melevitani, Cocco Palmeri, the collegiate parish church, dedicated to the Blessed Virgin, located on the island of Gaudisiensi (Gozo), and later erected into a cathedral church, was divided into four regions with filial churches, due to their distance, and established as separate parishes. In order to repair this damage caused by the aforementioned division, the contiguous parish church of St. George was united with the aforementioned church, according to the decree of the Bishop of Melevitani. The words of the decree pertaining to the matter are:

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"And so that, through such a division, or rather, a separation..."

[*Latin ed. p. 238*]

Acts of the Apostolic See. - Official Commentary. 238 action, separation, and division of it and its Archpriestship into four regions, so that the said Collegiate Church may suffer detriment or some other loss in place of those in the newly established parishes; after the aforementioned parish church of St. George, through vacancy, or the actual death of its current pastor, or otherwise and in any way whatsoever, and at that time, while maintaining the same parish of St. George in its parochial status as it is found to be in the present, always remaining firm and in no way suppressed or changed, we unite, or rather, we substitute and subject it to the care, governance, rectorship, and administration of the current Reverend Archpriest, and his successors forever and in all future times, together with all its parishioners, appurtenances, revenues, the altar of the aforementioned church, festivals, burial rights, and all other emoluments pertaining to the same parish church of St. George, except that we intend and command that, as a matter of unity, or rather, substitution and subordination, it shall forever be subject, in the manner of the parish church of St. Paul A. outside the walls of the city of Notabilis in the island of Malta, to the care, governance, rectorship, and administration of the Most Reverend [Archpriest]. Archpriest of our Cathedral Church. This union was confirmed by Apostolic approval through a Rescript of the Sacred Congregation of Councils dated May 26, 1689. When, in 1864, Pius IX erected the island of Gaudisiensem into a new diocese through the bull "Singulari amore," the aforementioned collegiate church was elevated to a cathedral, but with regard to the union of the Church of St. George, nothing new was established, so that the previous status remained until the year 1895, when the clergy of the Church of St. George began to seek the establishment of a regular collegiate church and honorary church within the said church. Although the General Abbot, as stated in the aforementioned canons of the Lateran Council, had promised prayers to be offered for the clergy, and the Bishop of Gaudisiensem had given his consent, the cathedral chapter strongly opposed the requests of the clergy of St. George, maintaining that the proposed institution could not be carried out without the consent of the chapter itself. The matter being brought before the episcopal curia, the Bishop, after the entire case had been discussed by two of his delegates, rejected all the protests of the chapter, and by decree dated November 13, 1901, declared that nothing would obstruct the erection of a collegiate church in the parish church of St. George. The words of the decree are these: "Having considered the matters presented, we declare that nothing..."

[*Latin ed. p. 239*]

The Roman Rota. 239: It is opposed to the erection of a collegiate church

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of canons of the Lateran Basilica in the parish church of Saint George, in the city of Victoria. Therefore, We grant Our consent that the aforementioned erection be completed." The Chapter of the diocese opposed this decree and brought the entire case before the Holy Congregation of the Council, arguing that the union of the church of Saint George with the cathedral church was not of primary importance, and therefore the consent of the cathedral chapter was necessary for the erection of the church of Saint George into a collegiate church; whereas, on the other hand, the clergy of the church of Saint George maintained, with many arguments, that the union of the two churches was equally important. Therefore, through the representatives of both parties, the following questions were presented to the Holy Congregation of the Council: 1. Does an equally primary or a less primary union exist between the parish church of Saint George and the parish and cathedral church of Gaudisiensem in this case? 2. Is the decree of the Bishop of Gaudisiensem of November 13, 1901, valid in this case? The Holy Congregation, on July 29, 1905, gave a single answer to the two questions, or responded as follows: "Considering all things, there is no impediment to the erection of a 'regular chapter of the Lateran Basilica for the honor' in the church of Saint George." But the contending parties did not accept this decision. The clergy of the church of Saint George petitioned for a new hearing, so that the Holy Congregation would decide whether the church of Saint George is united with the cathedral church equally or less primarily. But the Holy Congregation, on August 23, 1905, again responded: "It is not necessary to respond, and the parties should acquiesce, and this should be notified to the Bishop, who should appropriately and seriously warn his priests about this matter, so that they abstain from similar disputes." Despite this strict warning, both parties continued to dispute the nature of the union; therefore, the Holy Congregation of the Council, granting the petitions, decided to re-examine the matter, and on November 19, 1908, referred the case, by express mandate of the Supreme Pontiff, to the recently restored Sacred Roman Rota, in which tribunal the following two questions were agreed upon: 1. "Is the union between the church of Saint George and the cathedral church of the island of Gaudisiensem of the same city equally primary or less primary, or subordinate?" 2. "To whom belongs the right of administration of the aforementioned church of Saint George?" Regarding the first question, the Most Reverend Fathers judged that there exists a less primary or subordinate union between the cathedral church of the island of Gaudisiensem and...

[*Latin ed. p. 240*]

Acts of the Apostolic See. - Official Commentary. 240 days and the Church of St. George within the same city, so that this one is subordinate to it as an accessory or filial church. It must be stated that the effect of accessory union is not, as some incorrectly teach, the extinction and

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suppression of the name and title of the united church; rather, the goods of such a church in its separate state must be preserved so that they should not be confused with the goods of the principal church. If this contradicts the condition or status of the accessory united church, since the notion of such a church presupposes a separate existence; otherwise, it would not be a union but a complete extinction. Whether in such a union of two churches, the united church remains to exist as a separate entity, and whether the pastor of the mother church in it, as in this case, or only certain parochial functions, either by himself or through vicars for the filial inhabitants, must be fulfilled, the Bishop will clearly determine in the decree of union. If this order is lacking, it is to be presumed that the care of souls in its entirety in such a filial church is to be exercised as before, because the spiritual functions of the united church are not diminished by said union. Thus, the Church of St. George, by the will of Bishop Cocco-Palmerii, retained its parochial functions in the decree of erection, expressly stating "always remaining in the parochial status," although "all its parishioners, appurtenances, revenues, altars, burial rights, and other emoluments pertaining to the same parochial church of St. George" were united to the aforementioned Archpresbytery. Whether this union was made only in a subjective sense or equally in a principal sense, is a more historical question than one of positive law, and depends in each case on the founding documents or on the observations or customs of any church. Therefore, it is necessary to discuss in the case the instrument of union of the Church of St. George with the collegiate church, drawn up by Bishop Cocco-Palmerii. To ascertain the nature or type of this union, according to jurisprudence, the formulas by which the union was made must first be examined. In the case, the Bishop in the decree of union of the parish of St. George and the collegiate or archpresbyteral church uses these words: "We unite the aforementioned parish to the mother church, for unity, or we unite and command that the walls and, as it were, the very structure of St. George's... be truly substituted and subjected to the care of the aforementioned Archpresbytery and permanently subjected to the government of the Most Reverend Church of St. Paul A. outside the care, government, and rectorship of our cathedral." In the city of Notabilis, on the island of Melita.

[*Latin ed. p. 241*]

241 The Roman Rota. The first rule of interpretation of laws and documents is to understand the words according to their proper meaning and the common usage of jurisprudence. Therefore, if it is stated in a union agreement: "We unite the Church of Saint George to the Archpresbytery," this expression clearly indicates that the Bishop intended to truly subordinate the parish of Saint George to the Archpresbytery; otherwise, it would have been stated: "We unite the Church of Saint George and the Archpres-

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bytery, or with the Archpresbytery." The dative case sufficiently indicates one to the other. This meaning is strengthened by the words: "or, more truly, we subject a part to the whole," which expression can only express that the Church of Saint George was subjected to the collegiate Church. This is also supported by the words: "we substitute" or "we also intend to substitute and to subject the neighboring parochial region to the mother Church and its Archpresbytery, and to unite Saint George, or, more truly, in place of the four regions, we have devised and deliberated," as well as by the words: "so that the mother collegiate Church and its Archpresbytery may not suffer damage, we have decided to unite, substitute, and subject the neighboring Church of Saint George, in place of the four dismembered regions." It is especially important to note the phrase: "in place of" the four regions, whose churches were truly filial, and therefore truly subject and subordinate to the collegiate Church. When the Church of Saint George is substituted "in place of" these churches, it consequently finds itself in the same state of subordination in which they were. This is also evident from the comparison of the union of the Church of Saint Paul with the cathedral church on the island of Malta, for the phrase "in the manner of" can express nothing other than that the Church of Saint George is united to the collegiate Church in the same way that the Church of Saint Paul is connected to the cathedral church of Malta. That this union was of a less principal or accessory nature is evident from the report to Bishop Palmer of the Prefecture Apostolic of Chocó in 1714: "The Bishop came to the parochial church under the title of Saint Paul the Apostle, which is perpetually united to the dignity of the Archpresbytery of the Cathedral. This church does not constitute a parish in itself, but has always been considered one and the same with the cathedral." However, it is understood that the Archpresbyter is the rector of both churches. To determine whether the union in this case is of a less or equally principal nature, the grants of the Archpresbytery to the collegiate Church must also be considered, as the Roman Rota teaches (in Melev. Benef. December 11, 1690, before Caccia): "The grants must be considered to determine the nature of the benefices." Indeed, in all the grants of the aforementioned Archpresbytery, whether issued by the Holy See or by Bishops, no mention was ever made of the Church of Saint George, which would have been an obstacle to all rights, if this church had been equally principally united. ACTA, vol. II, n. 6. - 1 5 - 4 - 9 1 0 . 17

[*Latin ed. p. 242*]

Acts of the Apostolic See. - Official Commentary. This is proven by the doctrine of the aforementioned Sacred Congregation: "Since the union is equally principal, it is necessary that mention be made of both." In the case of the collation of the Church of Saint George, it must be determined whether its union is of a less principal or subordinate nature, according to

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the principle of law: "Regarding a dependent church, it is not necessary to make mention of it." Furthermore, it is well known that it is not necessary to make mention of it. The pastor of two churches equally united is obligated to celebrate two Masses on all Sundays and feast days by order, for the people of both parishes, under a grave obligation. In fact, as can be seen from the visitation protocol of Bishop Rull in the year 1760, it is established that only one Mass is celebrated in each church. From this unity of the Mass, it must be concluded that there is a unity of the parish, that is, a subordination of the Church of Saint George to the collegiate church. Similarly, the Archpriest of the collegiate church was obligated to recite the titular office and to celebrate the feast of the dedication of the Church of Saint George according to the rite of a double first class, with the octave, if this church were united equally to the collegiate church or to the Archpriestry. But neither one nor the other was actually done. There is no doubt about this obligation. Thus, A. Carpo writes in his Perpetual Calendar (c. 2, n. 18): "If any Bishop exists 'of cathedral or parochial churches' 'under the rite of a double first class,' 'the same should be understood regarding the Dedication,' or a pastor of two united churches, he is obligated to recite the titular office of both (S. R. G. '5 July 1698, and 6, 12 September 1842 in Nuceria)." "But this has force, provided that the aforementioned union is such that the Bishop or pastor of one is also 'separately' the Bishop or pastor of the other, and not if from two cathedrals or parochial churches 'a Bishop or pastor has been made of one,' of the two churches, because then it would be of only one, and not of both." For this reason, the clergy of the Church of Saint George is almost always considered in visitation records as an appendix to the clergy of the collegiate church, and likewise, this clergy does not use its own cross in processions, but proceeds under the cross of the collegiate church by order of the Bishop. In the procedural order of the Bishop in the year 1714, the Church of Saint George is never mentioned among the parochial churches, but rather, in the petitions of the people of Gozo to Pope Gregory XVI, the Church of Saint George is listed among the filial churches. In addition to all of the above, it is fitting to add that the current Archpriest of the greater church, under oath, has declared the following, omitting others: 1. ° For all parishes, or mother churches, or those existing within the old limits of Saint George, indiscriminately, only one Mass is celebrated for the people.

[*Latin ed. p. 243*]

243 The Roman Rota. As we have already stated above, it is to be observed that: 1. The Holy Mass is to be celebrated; 2. Once for all, the Gospel and the catechism are to be explained only in the Church of Saint George; 3. All decrees, whether concerning marriages or ordinations, are to be promulgated indiscriminately for all, both for the parish and for the Church of Saint George, only in this last church, and to be promulgated concerning all

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indiscriminately, "who belong to this church," without distinction between the two parishes. But of greater importance is the matter of approving the subjective union of the Church of Saint George, because in the reports of visitations by Bishops to the Apostolic See, in which the parishes of the diocese are listed, mention is rarely made of the Church of Saint George, or sometimes it is even called a vice-parish. Thus, Bishop Cocco-Palmerius, who before the union listed the Church of Saint George among the parishes of the diocese in his report to the Apostolic See, does not mention it after the union, but only states: "On the island of Gaudisii there is a fortress with inhabited regions, one parish church in the suburb, and six others, and a collegiate church, and six others which are parish churches, of which four I established." Since two parishes were founded by his predecessor, and four by himself, the Church of Saint George remains excluded from the number of parishes, and is considered as one and the same with the parish church of the collegiate church by the very author of the union. The same is frequently testified by other reports of the Bishops up to our own day. Similarly, when in the year 1864 the collation of the Archpriestship was temporarily suspended due to the founding of a new diocese, no mention was made of the Church of Saint George, although in fact the collation of this church was also suspended, which could not have been omitted if the authorities of the Church had been convinced that the union had been equally established. This is also deduced from the faculty granted to the Archpriest of the collegiate church in the decree of erection, to take possession of the Church of Saint George, "following a vacancy caused by the cession or death of the actual parish priest," for the Roman Rota decided (before Muto, Vicar of the parish, on November 24, 1694) on this matter: "The faculty 'further adds to the concession in the aforementioned decree concerning the parish church, a means of proving such a subordination, by taking possession of the church in question, which demonstrates such a subjective union.'" If, later, almost all Archpriests have been given real possession of the parish church of Saint George without such a faculty, this should not be understood as an actual canonical taking of possession, but only as an exercise of jurisdiction already held. Similarly, instruments and documents are presented with the erroneous intention of naming the Church of Saint George as a parish church. Although it is often called a vice-parish, it is not surprising that some church is also called by this name.

[*Latin ed. p. 244*]

244 Acta Apostolicae Sedis. - Official Commentary. retains it, even if it is not the true parish; which happens frequently because the sacraments are administered there and parochial duties are exercised. Similarly, it demonstrates the subjective nature of the union in the case where the faculty granted to the Archpriest to exercise the care of souls in the Church of St. George through a removable vicarious is taught, and in this matter, the

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Holy Roman Rota (before Millino, Bosa, Vicariae, April 29, 1739) states: "Not every and any union confers a full and plenary right, nor does it authorize the appointment of a removable vicarious, but a subjective one." It does not invalidate the fact that, in the text of the union, the Archpriest is sometimes named, so that it seems, rather, that the union has been completed by him. For the Archpriest never has the church as a private person, but as a person with archpriestal status, or as the head of a college. Thus also Pignatelli (vol. IX, Consult. 150, n. 3). "Nor should you say that the care of souls belongs to the Archpriest, or to another dignity. He proceeds correctly in those churches in which the priests, ministers of the divine mysteries, do not form a college; otherwise, in collegiate churches, the Prior, or dean, or another, is not as a parish priest, but as the head of the college, or as a minister of the chapter and college." Furthermore, the objection derived from the formulas of the union instrument is rejected, where, besides the Archpriest or the Archpriestate, the "matrix church" or "collegiate church" is also named; therefore, no argument can be deduced for the first opinion, as it seemed to the Most Reverend Auditors. However, the clergy of St. George have appealed to the words of the cited decree, "as is found in the present case, it is established that the parochial status remains firm, always remaining, and in no way suppressed, nor changed." For from the fact of this reservation, it follows only that the union was not extintive, and that the "status" of parochiality of the united church. But what is understood by "our" is sufficiently clear, since it only includes the right and the parochial duties of administering the sacraments, exercising the parochial status; that is, performing all those things that have been expressly entrusted to the Archpriest of the mother church by the Decree, or "in it, the sacraments, and all other parochial things, are to be administered by the Ordinary himself, or all parochial things are to be exercised by his approved vicarious." Therefore, when the reservation of this parochial status of the Church of St. George is presented, as equally principal, it should rather be said that this reservation proves the contrary, for it would not have been truly necessary to reserve the said parochial status, if the Church of St. George had been equally principally united with the collegiate church. The words "minime tamen" (least of all)

[*Latin ed. p. 245*]

The Roman Rota. "Immutato" etc. can only have this meaning: The Church of St. George is subject to the collegiate Church and its Archpriestship, but it is not suppressed, but must remain in its parochial status, so that, notwithstanding its subjection, in it, as before, the sacraments are administered and other parochial functions are carried out for the people. Nor does it matter that the Chapter has not given its legally required consent, for it is said that the union is not made unless this consent is given; but it is concluded that this consent was given in the

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name of the Chapter only by the Archpriest, which is sufficient for the validity of the act, as the Roman Rota also decides: "The Archpriest, by contracting in the name of the dignity, 'is to be considered as contracting both as head of the Chapter and in the name of the Church' " (in rec. Tit. 1, part. 5, n. 7-8). Furthermore, the consent followed from the Chapter in fact, for in the instrument concerning the execution of the decree of union, it is written: "Having seen the decree concerning the union of the parochial Church of St. George with the collegiate Church, and having considered the erection of the Archpriest of the four parochial churches to the vacant Archpriestship of the collegiate Church, we commit to the said collegiate Church the real and corporal possession of the parochial Church of St. George, now united to the same Matronal collegiate Church." Finally, the defect of consent, even if it had existed, was remedied by the confirmation of the Holy Congregation of the Council on March 5, 1689, as will be seen immediately. Indeed, the less principal union is strengthened by the decree of the Holy Congregation of the Council. The Bishop of Cocco-Palmerius, indeed, fearing that his dispositions might perhaps obstruct the decree of the session 24, concerning the reform, prohibiting unions of Council of Trent, c. 19, of parochial churches with cathedrals or collegiate churches, "for the greater strengthening of said erection and, if necessary, also for the approval of the Apostolic See, supplicates for the APPROVAL of SUBJECTION." Therefore, this doubt was proposed to the said Congregation: "Whether the new union of the parochial Church of St. George with the collegiate and Archpriestship of the Island of Gaudisii is to be confirmed." To this doubt, the Holy Congregation responded on March 5, 1689, "affirmatively." In this, therefore, authentic or supreme decision, the Holy Congregation of the Council expressly approves the union, mentioning the aforementioned subjection, so that it must be said that the matter is judged to be settled. From all these arguments, others omitted, the Most Reverend Fathers judged that there exists a subjective or less principal union of the Church of St. George with the collegiate or cathedral Church of the Island of Gaudisii. But notwithstanding this subjection of the Church of St. George to the Church...

[*Latin ed. p. 246*]

246 Acta Apostolicae Sedis. - Official Commentary. Regarding the collegiate or cathedral church, the right of administration of the aforementioned Church of St. George does not belong to the cathedral chapter, but to the Bishop together with the Archpriest of the cathedral church. Indeed, the habitual care pertains not only to the cathedral church, but also to the same subject church of St. George, to the chapter, as appears from the bull "Singulari amore" of Pope Pius IX in the year 1864, in which it is expressly stated: "The habitual care of souls will belong to the Chapter; the actual care, however, will be exercised by the Archpriest, with the first

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dignity of the Chapter being observed," so that, properly speaking, the administration of the goods of the same subject church of St. George also belongs to the aforementioned Chapter. This principle of law is established among Canonists. However, the Chapter itself must acknowledge that, if it has never exercised the aforementioned administration, either before the erection of the Gozo diocese, or after its completion, it is liable. For it is known that, as long as the island of Gozo remained incorporated in the diocese of Malta, that is, until the year 1864, all churches were administered by the Bishop alone, together with the parish priests through procurators appointed by him, and together with them, the mother church and the collegiate church as well. When this right of administration was challenged by the Chapter, the Holy Roman Rota decided: "Since the Bishop, by the burden of his office, is to fulfill the administration of the goods, this matter must be judged to return to the Bishop, for in this matter, the ancient custom of the Bishop is considered the head of the goods, and any custom to the contrary is not valid against the ancient custom of the Bishop, nor can it be said that the Chapter has the right to administer the goods of the church, which is inferior, nor can it claim the whole of the church" (before Emerix, Malta, November 28, 1692). Moreover, the fact that the aforementioned Bishop of Gozo enjoys this right is strengthened by the very tenor of the bull "Singulari amore" of Pope Pius IX, by which the new diocese was erected, for by this bull, the Bishop is granted the power "to exercise all and singular episcopal rights, offices, and duties, according to the sacred canons and legitimate custom." Therefore, since the Bishop of Malta exercised, by force of custom, the administration of the goods of all the churches of his diocese, his successor possesses, by force of the same custom, the same right, in a certain part of the same diocese, which was erected by Pope Pius IX into a separate diocese. Indeed, he is one and the same moral or legal person as his predecessor in the entire diocese, so that all rights have passed from the former to the latter. Consequently, at the time of the erection of the new diocese of Gozo in the year 1864, the Bishop was already in legitimate possession of the administration, which, together with the Archpriest, he has exercised up to this day, with regard to the goods of the Church of St. George, and indeed...

[*Latin ed. p. 247*]

The Roman Rota, without contradiction, of the Chapter of the Cathedral Church. Therefore, whatever efforts may be made to twist or distort the aforementioned words of the Bull of Pius IX, due to a new prescription introduced beginning in the year 1864, it must be said that the Bishop remains in possession of his jurisdiction. For it has been established that, even after the erection of the diocese of Gaudisiensis, the Cathedral Chapter did not claim or exercise any right over the administration of the Church of St. George, which was peacefully administered by the Bishop together with

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the Archpriest until the year 1907, when the Chapter appealed to the Sacred Congregation of the Council to vindicate this right. Therefore, the forty-year prescription is fulfilled in favor of the Bishop of Gaudisiensis. Nor can it be said that the Bull "Singulari amore" of Pius IX extinguished all customs, even future ones, through its derogatory clauses. For first, these clauses do not pertain to the rights of the Bishop, which are expressly preserved in the aforementioned Bull, as has already been demonstrated. Secondly, according to the common opinion of the Doctors, derogatory clauses do not invalidate a custom that is to be introduced in the future, unless the custom is condemned as unreasonable; but this, certainly, cannot be said of the administration of ecclesiastical goods exercised by the Bishop. Having considered all of this, invoking the name of Christ, and with God alone before our eyes, we, the undersigned Auditors, sitting for the tribunal, declare and definitively pronounce judgment, answering the proposed questions: To I. S. It is established that there is no union, either principal or subjective, of the Church of George. To II. It is the case that the Bishop and Archpriest are to be considered as acting, as hitherto, without the Chapter being involved in any way. The expenses, the taxation of which We reserve to Ourselves, are to be borne by the parties in dispute, so that the sum for the execution of the judgment to be paid by each party shall be paid by half. Thus we pronounce, ordering the Ordinary of the place and the ministers of the tribunals to whom it pertains, to order the execution of this our judgment, and to proceed against those who resist, according to the norms of the sacred canons, and especially chapter 3, session XXV, on reform, of the Council of Trent, using the executive and coercive means that are most effective and appropriate for the circumstances. Rome, on the 10th of January, 1910. William Sebastianelli. L. S. Seraphinus Many. Franciscus Heiner, Presiding. Sac. Tancredes Tani, Notary.

[*Latin ed. p. 248*]

Acta Apostolicae Sedis. - Official Commentary. 248. SECRETARIAT OF STATE. DECLARATION ON THE PROCEDURES FOR COMPETITIVE EXAMINATIONS FOR POSITIONS WITHIN THE ROMAN CURIA. By decree of the Most Holy Congregation of the Sacred Council, dated December 22, 1894, it was established that "no cleric or priest from a diocese other than the local one shall be eligible for any ecclesiastical office, or for any other position requiring residence in the City, unless, in addition to testimonial letters of commendation from his Bishop, he also presents a permit already obtained from the Supreme Pontiff for residing in Rome." — Subsequently, by letter dated August 6, 1905, addressed to the Most Eminent Cardinal Vicar, the Holy Father ordered as follows: "To prevent priests residing temporarily in Rome from assuming offices that entail a stable or prolonged residence, We decree that, as is the case for priests belonging to the Roman Clergy, so too, foreigners shall

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not be admitted to any competitive examinations, nor shall they obtain offices, benefices, or any other employment, without the explicit consent of the Vicariate. Should this consent be lacking, all admissions to any examination, as well as appointments to benefices, offices, or any other position, shall be considered invalid and null. These provisions shall apply in all cases and to any authority, even one deserving of special mention, without any exception whatsoever." Now, in the Regulations of the Roman Curia, Part I, Chapter II, it is established that for the filling of minor offices, a competitive examination shall be held, and among those approved in terms of knowledge, the selection shall be made through a double scrutiny. However, nothing is said regarding the certificates to be requested from the Ordinaries of the candidates, nor of the consent of the Vicariate for residing in Rome, as mentioned in the aforementioned documents. Consequently, a doubt has arisen as to whether and in what manner the aforementioned provisions, and particularly those of 1905, continue to be in force in the filling of positions within the Roman Curia. Rome, March 11, 1910. The aforementioned doubt having been brought to the attention of the Holy Father, His Holiness, after carefully considering all matters, has ordered that it be declared that –

[*Latin ed. p. 249*]

Secretariat of State. 249. The aforementioned regulations are to be fully observed even in the examinations for positions within the offices of the Roman Curia. And in accordance with this, it is prescribed and established: 1. That no one shall be admitted to the examination in said competitions unless they present to the Superiors of the respective dicastery a certificate from their own Ordinary, either of origin or of domicile, from which it is evident that the candidate is free from any censure, and that there is nothing to impede their admission to the examination; 2. That no one shall be definitively selected in the examinations, and proposed to the Supreme Pontiff for approval, unless, through confidential letters, specific information about the candidate has first been requested from their Ordinary, both of origin and of domicile, as well as from the Vicariate of Rome; and unless entirely reassuring responses have been received regarding the life and conduct of the same; 3. That the inquiry to the Vicariate, as mentioned in paragraph 2, must not be omitted even in the case that the individual has never resided in Rome; 4. That both the letters of inquiry and the responses given, as well as any attachments included, must always and entirely remain secret; 5. Finally, that appointments made in violation of these rules are and must be considered invalid and null. By special mandate of His Holiness, Pope Pius X. R. CARD. MERRY DEL VAL. LETTERS. I. TO R. P. BENEDICT JOSEPH RODRIGUEZ, S.J., COMMENTATOR, OFFERED TO THE MOST BLESSED FATHER AS A TOKEN OF FILIAL DEVOTION ON THE OCCASION OF THE THIRTIETH ANNIVERSARY FROM THE

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BEGINNING OF THE AFORESAID EPHEMERIS. Reverend Father, your letter has brought much joy to the Most Blessed Father. You have informed him that the ephemeris which is published in Portuguese, entitled "Mensageiro do Coração de Jesus," has now completed its thirtieth year since its first publication, and that it has not ceased to be published, nor has it been without fruit, in fostering...

[*Latin ed. p. 250*]

Acts of the Apostolic See. - Official Commentary. To foster devotion to the Sacred Heart of Jesus and to spread and celebrate the doctrines of the Church, duties which have been entrusted to you. You have accepted the care of this same commentary, with no less diligence than your predecessor, to safeguard the religious cause, and to preserve and promote the name inherited from him. Both are causes for great joy, congratulations, and hope for the Most Blessed Father. These hopes are greatly strengthened by the sentiments you have expressed, declaring yourself devoted to Christ's Vicar. His Holiness gladly receives this spirit towards Him, and these pleasant and welcome tidings contained in your letter. He encourages you, who so admirably serve religion and the Church, to strive with an always upright and zealous spirit to achieve the honor of the task entrusted to you, and imparts the Apostolic Blessing, which He desires to extend to all who assist you in this commentary, whether by writing, by spreading it, or in any other way. Taking this opportunity, I confirm my esteem for you, and I attest to this in Rome, on the 7th of March, 1910. Most devotedly, R. CARD. MERRY DEL VAL. II. TO THE NOBLE LADY MARIA PIEDAD DE ARANA, MARCHIONESS OF UNZA DEL VALLE, OF THE INSTITUTE OF THE "UNION OF SPANISH LADIES OF THE HOLY HEART OF JESUS," FOR THE PURPOSE OF CONGRATULATIONS. I have informed His Holiness of the letter and the interesting pamphlet which contains the regulations and approvals of the Union of Spanish Ladies of the Holy Heart of Jesus. The Holy Father is very pleased with the progress of this work and the favorable reception it has received, not only among the pious Spanish Ladies, but also within the Royal Family, which never fails, with noble examples, to uphold the glorious title of Catholic. His Holiness has ordered that you be especially congratulated on the gratifying success achieved in the establishment of the Central Board of Madrid, and He sends a special Apostolic Blessing to you, as...

[*Latin ed. p. 251*]

Diary of the Roman Curia. 251 To the General President and to all the Boards established and to be established, according to what is so wisely provided in the aforementioned Regulations. For this reason, it pleases me to reiterate my greetings to Your Ladyship, the Marchioness, your attentive and faithful servant, Rome, March 18, 1910. R. CARD. MERRY DEL VAL.

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DIARY OF THE ROMAN CURIA, SACRED CONGREGATION OF RITES. On the 19th day of the current month of April, in the Apostolic Palace of the Vatican, the Ordinary Congregation of the Sacred Rites will be held, to discuss the following causes: I. Introduction of the cause of beatification and canonization of the Venerable Servant of God, Pasquale Attardi, Secular Priest of the Archdiocese of Naples. II. Confirmation of the cult rendered from time immemorial to the Servant of God, Bartolo Buonpedoni, of the diocese of Colle in Tuscany, and of the Third Order of St. Francis. III. Granting and approval of the Office and Mass proper, as well as the eulogy to be inserted in the Martyrology of the Order of St. Benedict, in honor of the Blessed Utto, the first Abbot of Metz, and of the Blessed Gamalberto, a parish priest. SECRETARY OF STATE, APPOINTMENTS. The Holy Father, through a note from the Secretary of State, has deigned to appoint: March 23, 1910. — The Most Reverend Cardinal Giuseppe Calasanzio Vives y Tuto, Protector of the Tertiary Capuchin Nuns of Loano. April 2, 1910. — The Most Reverend and Venerable Monsignor La Fontaine, titular Bishop of Caristo, Secretary of the Sacred Congregation of Rites. April 5. — The Most Reverend and Venerable Monsignor Giuseppe Alberti, Canon Theologian of the Cathedral of Acquapendente, Auditor of the Sacred Roman Rota.

[*Latin ed. p. 252*]

Acts of the Apostolic See. - Official Commentary. 252

His Holiness, with a letter from the Secretariat of State and with a papal Brief, deigned to appoint:

Apostolic Protonotaries, as if participating:

March 2, 1910. — Mons. Vincenzo Ferreira Galvão, General Vicar of the diocese of São Luís do Maranhão; — Rev. Canon Pietro Sincich, Dean of the Cathedral Chapter of Trieste.

Domestic Prelates:

February 26, 1910. — Rev. Dom Luigi Evrard, Canon of the Metropolitan Church of Malines; — Mons. Emilio Tieraerts, Canon of the Metropolitan Church of Malines, Almoner of the Court; — The Rev. Canon Paolino Ladeuze, Rector Magnificus of the Catholic University of Leuven.

March 14, 1910. — Mons. Dom Stefano Rada, Canon of the Cathedral of Veszprém.

March 15. — The Rev. Canon Emilio Chiarini, General Vicar of the diocese of Grosseto.

HONORS

His Holiness, with a letter from the Secretariat of State and with a Brief, deigned to bestow the following honors:

The Grand Cross of the Order of Pius:

March 14, 1910. — To Mr. Giuliano Davignon, Minister of Foreign Affairs in Belgium.

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The Commander of the Order of Saint Gregory the Great, civil class:

March 9, 1910. — To Mr. Francesco Mulier, of the Archdiocese of Koln.

The Knighthood of the same Order:

March 1, 1910. — To Mr. Giovanni Terrei, of the Archdiocese of Lyon; — To Mr. Abele Waldmann, of the Archdiocese of Lyon.

March 12. — To Mr. Dott. Giuseppe Franz, of the diocese of Breslau.

The Knighthood of the Order of Saint Sylvester the Pope:

March 18, 1910. — To Mr. Francesco Rosa, of Rome.

[*Latin ed. p. 253*]

Diarium Romanae Curiae. 253

OFFICE OF HIS HOLINESS

By order of His Holiness, and through the courtesy of the Most Reverend Monsignor, Chamberlain, the following appointments have been made:

Secret Chamberlains, extraordinary:

March 8, 1910. — The Reverend Father Vincent Porrisini, of the Archdiocese of Ravenna;

— The Reverend Father Gioacchino Reyes Mendez, of the Diocese of Seville;

— The Reverend Father Carlo Schnabl, of the Diocese of Vienna.

March 14. — The Reverend Father Giuseppe Mössmer, of the Archdiocese of Strigonia;

— The Reverend Father Giovanni Dib;

— The Reverend Father Giuseppe Trikál, of the Archdiocese of Strigonia.

March 23. — The Reverend Father Francesco Fisauli, of the Diocese of Acireale.

Secret Chamberlains of sword and cape, extraordinary:

March 10, 1910. — The Right Honorable Count Francesco Vitali, of the Archdiocese of Fermo.

March 14. — The Right Honorable Anthony Swane Jurgens, of the Diocese of Bois-le-duc.

Honorary Chamberlains in peacock blue attire:

March 8, 1910. — The Reverend Father Ignazio Dubowski, of the Diocese of Luceoria.

March 14. — The Reverend Father Augusto Giorgini, of the Diocese of Senigallia.

NECROLOGY

March 24, 1910. — Monsignor Simone Millinovic, of the Order of Friars Minor, Archbishop of Antivari.

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April 5, 1910. — Monsignor Venceslao Giannuzzi, Canon of the Basilica of the Vatican.

April 6. — Monsignor Bernardino di Milia, of the Order of Friars Minor Capuchin, Bishop of Larino.

[*Latin ed. p. 254*]

254 Acta Apostolicae Sedis. - Official Commentary. APPENDIX Published in the preceding number, page 220, regarding the extension of the Apostolic Letters "Trans Oceanum" and the Constitution "Romani Pontifices" to the Philippine Islands, it seems appropriate, for the convenience of the reader, to reproduce these documents in their entirety here.

I. CONSTITUTION IN WHICH CERTAIN POINTS OF CONTROVERSY BETWEEN BISHOPS AND REGULAR MISSIONARIES OF ENGLAND AND SCOTLAND ARE DEFINED BY THE HOLY FATHER.

TO THE BISHOP, SERVANT OF THE SERVANTS OF GOD, FOR PERPETUAL REMEMBRANCE.

Our predecessors, the Roman Pontiffs, have always fostered the esteemed English people with paternal charity, as history testifies, and the blessed Pius IX clearly demonstrated in his Universal Letter to the Church, dated October 1st of the year 1850 of the Incarnation of the Lord.

Furthermore, when that Pontiff restored the episcopal hierarchy among the English through those letters, he, to the extent permitted by the circumstances of the time, added to the benefits that the Apostolic See had bestowed upon that nation. For with the restoration of the dioceses, that part of the Lord's flock, having been called to the marriage of the Lamb of Heaven, and associated with His mystical body, has regained fuller truth and order through the governance and administration of the Bishops.

Indeed, as St. Irenaeus says, "They hold succession from the Apostles, for from them, according to the blessed [Apostle] John, every Church has its beginning. As each Church was founded on its own bishop, and every act was pleasing to the Father, so also the Church of Rome, which holds the principal seat, was founded on the principal [Apostle Peter, who was the leader of the Apostles)." He reminds us that the Church is governed by the Church, through these same prelates.

This wise counsel has been wonderfully confirmed by events; for indeed, several provincial councils have been held, which have enacted salutary laws.

1 Adv. haer. lib. IV, cap. 26, n. 2.

2 Epist. 29 ad lapsos.

[*Latin ed. p. 255*]

Appendix. - The Constitution "Romanus Pontifices." It ordered the

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affairs of 255 dioceses: the Catholic faith is spread more and more widely each day, and many distinguished by their lineage and learning are brought back to the unity of the Church; the clergy has been greatly increased; religious houses have also increased, not only from the established orders, but also from newer institutions, which have deservedly earned merit in the Christian cause and in civil society through the proper guidance of the morals of young people, or through works of charity; pious lay sodalities have been established; many new missions and new churches have been erected, rich in noble adornments, and decorated with excellent art; also, many institutions have been founded for the care of orphans, seminaries, colleges, and schools, in which numerous boys and young men are instructed in piety and letters. This achievement deserves considerable praise, and is due to the ingenuity of the British people, which, as it is steadfast and unconquered against adverse forces, so it is easily swayed by the voice of truth and reason, so that, as Tertullian truly said of the Britons, "places inaccessible to the Romans, subject to Christ." But they claim the greatest merit for their praise through the constant vigilance of the Bishops, and the willingness of the entire clergy to obey, and their readiness to act with prudence. Nevertheless, certain difficulties and disagreements arising from the very circumstances, between the sacred prelates and the members of the religious orders, have hindered the attainment of greater fruits. For, having been informed that, according to the letters of Our Predecessor, the observance of the laws of communion had been prescribed, they considered that they could decide on everything pertaining to the execution of those laws, and that which had been permitted to the Bishops by the general discipline of the Church. On the other hand, several and weighty reasons prevented the sudden and complete abolition of the particular discipline of the missions, which had already become established. To avert these difficulties and to resolve these controversies, the Bishops of England, in their obedience to this Apostolic See, petitioned Us to settle the matter with Our supreme authority. We, in turn, readily accepted this request, both because We embrace this noble nation with no less benevolence than Our predecessors, and because nothing is more dear to Us than to see mutual concord, with charity, flourish everywhere, after the causes of discord have been removed. In order that Our judgment might be more weighty and cautious, We not only carefully considered the rights and authorities presented by both sides, but We also obtained the opinion of a specially appointed Congregation of several Cardinals of the Holy Roman Church, before the two Sacred Councils.

[*Latin ed. p. 256*]

Acts of the Apostolic See. - Official Commentary. Another group of Bishops and Regular clergy is dedicated to the administration of ecclesiastical

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affairs, while another is dedicated to the propagation of the Christian name. These, having carefully examined all matters brought before them, and having considered both sides with religious accuracy, faithfully reported to Us what they considered to be the most just and suitable decision regarding each question, according to their judgment in the Lord. Having heard the memoranda of the Cardinals, and having thoroughly understood the matter, We pronounce Our final judgment on the controversies and doubts that have been presented under this Constitution. Although the matters that are brought up for discussion are numerous and varied, We believe that they can all be conveniently reduced to three main categories: one concerns the exemption of certain religious orders from episcopal jurisdiction; another concerns the religious ministries carried out by regular missionaries; and a third concerns questions regarding temporal goods and their proper use. Regarding the exemption of religious orders, the prescriptions of canon law are certain and well-known. Indeed, although, in the ecclesiastical hierarchy, which is established by divine ordinance, priests and ministers are subordinate to Bishops, and are governed by their authority; nevertheless, in order that all things might be well-ordered and connected within the religious orders, and that the individual members might live a peaceful and harmonious life; and finally, in order to promote and perfect religious life, the Roman Pontiffs, whose duty it is to define dioceses and to assign appropriate rights to each of their subjects, have decreed that the Regular clergy are exempt from the jurisdiction of Bishops. This was not done because it was considered desirable for religious congregations to enjoy a higher status than the secular clergy; but because their houses have been treated, by legal fiction, as if they were territories separated from the dioceses themselves. Consequently, religious families, which, by law, are subject both to the Pontiff and to the Bishops, because of the hierarchical principle, and especially because of the primacy of the Pontiff, have come to exercise their life under the authority of the Pontiff, and have withdrawn from the authority of the Bishops by privilege. However, while they live in this way, the discipline of the diocese, within the boundaries of the dioceses, is a restraining force, so that it may be properly regulated, and so that the Regular clergy may be subject in many respects to the episcopal authority, whether ordinary or delegated. 1 Council of Trent, Session 23, on the sacraments, order, canon 7. St. Gregory the Great, Epistles III, Book IX. - Benedict XIV, Epist. Decret., Apostolicae servitutis, prid. Idus Mart. 1742. Vatican Council, Constitution, Pastor aeternus, chapter 3. 2 3

[*Latin ed. p. 257*]

257 Appendix. - The Constitution "Romanos Pontifices." Regarding this privilege of exemption, there is doubt as to whether religious members are included, who reside in England and Scotland for the purpose of missions: for these, for the most part, live in private houses, in groups of three, two,

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or sometimes even alone. And although Benedict XIV, in the Apostolic Constitution concerning the ministerial office, on the third day before the Kalends of June in the year 1743 of the Incarnation of the Lord, declared that these regular missionaries enjoy this privilege, it was still considered by the Bishops to be doubtful in the present circumstances, because, with the restoration of the episcopal hierarchy, the Catholic affairs in that region ought to be governed according to the common law. By common law, it is established that houses which do not accommodate at least six religious members must be entirely under the authority of the Bishops. Furthermore, the author of the Constitution himself seemed to have placed the cause of the privilege in "the laws of public administration by which all monasteries are prohibited"; but this cause has been found to have been removed, since for many years it has been permitted by law for religious members to reside in colleges. Nevertheless, these matters are not so insignificant that we should truly judge that the privilege has failed. For although the restoration of the hierarchy means that Catholic affairs among the English are potentially subject to the common discipline of the Church; yet, things there are still carried out in much the same way as they are in missions. Indeed, the Sacred Congregation has declared on several occasions that the Constitutions of Clement VIII, Quoniam ix kal. Iulii MDCIII, of Gregory XV, Cum alias xvi kal. Septemb. MDCXXII, of Urban VIII, the Roman Pontiff, v kal. Septemb. MDCXXIV, and also the Constitutions of Innocent X, are not to be understood of the houses and hospices of missions. And rightly so; for it had already been proposed to Clement VIII whether religious men sent to the Indies for the salvation of souls should be considered as living outside the enclosure of the monastery, and therefore whether they should be subject to the Bishops according to the law of Trent. Therefore, that Pontiff, by the Constitution Religiosorum quorumcumque, on the fifteenth day before the Kalends of November in 1631, decreed that they should "be considered as religious living within the enclosure," and therefore "in matters concerning the care of souls, they are subject to the Ordinary of the place; in all other matters, they remain subject to their superiors." Nor did anything else seem to him to be the case, and he judged likewise, Benedict XIV, in his VI Constitutions, Quamvis v kal. Martii MDCCXLVI; Cum nuper I US Novembris MDCCLI, and Cum alias v Iunii MDCCLIII. From all of which it is clear that even hospices and houses, however few inhabitants they may have, are Innocent. X, Constit. Instaurandole, die 15 Octob. 1652. Constit. Ut in parvis, die 10 Februar. 1654. S. Cong. de Prop. Fide 30 Ianuarii 1627; 27 Martii 1631; 5 Octobris 1655; 23 Septembris 1805; 29 Martii 1834. 2 ACTA, vol. II, n. 6. - 154-910.

[*Latin ed. p. 258*]

258 Acta Apostolicae Sedis. - Official Commentary. Those who frequently visit this place, concerning which we are speaking, are included

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in the scope of this privilege by law, and this applies only in places where Apostolic Vicars, but also where Bishops, preside; for in the Constitutions which we have mentioned, provision was made for Bishops. Furthermore, it is clear that the primary reason for the exemption of regular missionaries in England is not to be found in the civil laws, which would assist in the founding of monasteries; but rather in that salutary and most noble ministry, which is exercised by apostolic men. This, Pope Benedict XIV made clear when he said, "Regulars destined for the English mission are sent there for the good of our holy religion." Likewise, Pope Clement VIII presented the same reason when he spoke of religious members who went to India, stating that they had been sent there by the order of their superiors, and that they were subject to the discipline of the provincial superior "to preach the holy Gospel of God and to demonstrate the way of truth and salvation." Therefore, after the laws were enacted restoring the integrity of Catholic religious orders, those who had been offended, and the hierarchy of British Bishops, in the aforementioned Synod of Westminster, testified that they had certain privileges "by which religious men legitimately enjoy their rights in their houses or outside of them," although they mostly live outside of monasteries. Therefore, we do not hesitate to declare the present condition of the Catholic Church among the British: Regulars, who reside in mission houses, are exempt from the jurisdiction of the Ordinary, just as those living within monasteries, except in cases expressly specified by law, and generally in those matters concerning the care of souls and the administration of the sacraments. This controversy, which we have defined, is followed by a related one, concerning the obligation that Rectors of missions, who hold the care of souls, and their vicars, and other religious members, endowed with the faculties granted to missionaries, have to attend those meetings of the clergy, which are called "collations" or "conferences," and also diocesan Synods. To understand the importance and reason of this question, it is best to recall that in the Provincial Council of Westminster, it is stated in these words: "If there are two or more priests in the same mission, only one should be designated as the first, who will be in charge of the care of souls and the administration of the Church, and will exercise this authority with dependence on the first." Therefore, having understood the nature of the matter under discussion, and having set aside for the time being that part of the question which concerns Synods, it is clear that Rectors of missions must attend those meetings of the clergy, which are called "collations" [Decree 10, n. 10].

[*Latin ed. p. 259*]

Appendix. – The Constitution "Romanos Pontifices." There are 259 parishes; and Benedict XIV taught that even regular priests are also bound by this obligation, as stated in the Constitution *Firmandis*, § 6,

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on the eighth day of November, 1744, and the Holy Council has declared on several occasions when interpreting the decrees of the Council of Trent. Therefore, it was rightly decided in the aforementioned Synod of Westminster: "They are obligated to convene for their collation, and all secular and regular priests must be prepared to answer, with the exception of those who hold souls." Otherwise, it would seem that the rights of those who care for vicars, and other religious men who perform apostolic duties, are being disregarded. For it is indeed the case that, according to what has been declared by the Holy Congregation of the Council, they are, by law, to abstain from these collations. But We do not overlook the fact that the Council of Rome, in its thirteenth decree, ordered in 1725 that all, even those from regular orders residing within the boundaries of the province, should celebrate these gatherings "provided that no moral readings are given in their assemblies." Since it appears that this is being carried out ineffectually, and considering that the Holy Council, deeming it meritorious to spread the Christian name, believes that domestic gatherings of regular priests in certain mission areas may be unfruitful due to the small number of members, We command all those who perform this duty to attend the gatherings of the clergy. Therefore, moved by these reasons, We declare that all directors of missions are obligated to attend the gatherings of the clergy, and We also decree and command that vicars, and other religious men who are accustomed to be granted missionary faculties, who reside in hostels and small mission houses, should also participate.

3. Concerning the duty of attending a Synod, the law from the Council of Trent states: "Diocesan Synods should also be held annually, to which all, even those who are exempt, must also attend, unless their exemption is revoked, and they are not subject to general chapters." Furthermore, "With regard to parochial or other secular churches that are annexed, those who are in charge of them, whoever they may be, must participate in the Synod." This law has been excellently explained by Benedict XIV. Moreover, We do not believe that anyone would object to the decree of Alexander VIII, on the third day of April, 1710, in which it is stipulated that Abbots, Rectors, and Prefects, all superiors of religious houses, who are subject to the power of the Bishop, should attend the Synod. For, as Innocent X stated in the Innocentian Constitution, *Forosempronien*, on September 5, 1650, in Book 19 of Decrees; and again, *Forosempronien*, on May 12, 1681, in Book 53, Decree, page 258; and in Aquileia, on March 12, 1718.

[*Latin ed. p. 260*]

260 Acta Apostolicae Sedis. - Official Commentary. It is easily understood that the apostolic men who are engaged in sacred missions are not subject to the decrees, and that the decree of Alexander VIII, concerning those about whom We have just spoken, does not apply to them. To this,

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We reply only this: Why should We adhere to the decrees of the Council of Trent concerning this later question? The next question concerns the appeal from the interpretation given by the Bishops of the decrees of the Council. For, it is necessary that even the religious members obey these decrees in those matters pertaining to the care of souls and the administration of the sacraments, and in all other matters "in which they are canonically commanded to be subject to the jurisdiction of the Bishops." Indeed, there is no doubt that an appeal to the Apostolic See from these interpretations is permissible; "since, according to Gelasius I and Nicholas I, they wished to have canons appealed to from every part of the world: but from that [See] no one is permitted to appeal." Therefore, the force and effect of this appeal can only lead to doubt. But this doubt is easily removed if a proper distinction of causes is made. It is permissible for religious orders to appeal only in a devolutive manner, with regard to the interpretation of decrees which concern the common law, or the ordinary law, which also affects the religious; but not with regard to the interpretation of other decrees, even in a suspensive manner. For the authentic interpretation which comes from the Bishops, who are the authors of the Council, is certainly of such importance as are the decrees themselves. Therefore, it necessarily follows that it is permissible for religious members to appeal from the first type of decrees by that right and in that manner in which it is permissible for anyone in the diocese to appeal from the common law, namely, in a devolutive manner. But as for the other decrees, they lose their certain force and reason of law against the religious; therefore, it is clear that they possess an exemption from episcopal jurisdiction as they possessed it before; until the authority of the Supreme Pontiff indicates, by law, whether or not this is the case. Thus far, concerning the privilege of exemption; now, We must say something about those questions which certain ministries, exercised by religious, have presented. Among these, the ministry of the care of souls excels, which is often entrusted to religious men within the boundaries assigned by the Bishops; and this place is included within the boundaries of the mission. Indeed, regarding these missions, there has been disagreement about whether and how it is possible for the Bishops to divide, or, as it is commonly said, to dismember them.

[*Latin ed. p. 261*]

Appendix. – Constitution "Concerning the Roman Pontiffs." For those who defended the rights of the Regular clergy, they maintained that this division could not occur except for legitimate reasons, and that written documents existed, established by Alexander III, and by the Council of Trent. However, there was a different opinion among the Bishops. Indeed, if a division is made of a parish, whether of ancient designation, or one established more recently by law, there is no doubt that it is wrong for a Bishop to disregard the prescriptions of canon law. But in Britain, these

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missions are generally not erected as parishes for legal purposes; therefore, the Holy Council, in order to promote the Christian name, judged it fitting in the year 1866 for the Bishop to apply the office of celebrating Mass for the people, because it is not the constitution of the British dioceses that they are arranged as true parishes. Therefore, the legal formalities that were established concerning the division of parishes are not to be transferred to the division of a simple mission; all the more so because, due to the nature of missions and particular circumstances, more numerous and lighter reasons may arise that suggest this division, than those that are legally defined to constitute a division of parishes. Let no one press the similarity that both have with each other; for since the obligation of observing legal formalities restricts freedom of action, it is not to be extended to similar cases. Therefore, since there are no general laws of the Church regarding this matter, it is necessary that the authority of the Provincial Council of Westminster prevails, whose decree states: "Notwithstanding the appointment of a missionary rector, it will be permissible for the Bishop, with the advice of the Chapter, within the limits of the mission to which he is assigned, to found new churches and to assign a portion of the district to them, if necessity or the benefit of the faithful requires it." Given these circumstances, in response to the proposed consultation, we answer: It is permissible for Bishops to divide missions, observing the form of the Holy Council of Trent, as far as those missions are truly and properly called parishes; but with regard to the others, according to the form of the Provincial Synod of Westminster. Furthermore, in order that the mission, which is to be divided, and its administrators may be better served, we wish and command that the opinion of the rector also be sought, which we have already learned is a commendable practice: that if the mission is administered by religious members, the Prefect of the Order should be heard; with the right of appeal, if the matter requires it, from the episcopal decree to the Holy See, for a review only. After the division of a mission to which the Regular clergy have been present, another question sometimes arises: 1 2 3 4, namely, whether the Bishop, when appointing a Chapter, has the authority concerning the building of churches. Session 21, chapter 4, concerning reforms. Chapter 4, session 21, concerning reforms. Concerning the governance of congregations or missions, number 5.

[*Latin ed. p. 262*]

Acta Apostolicae Sedis. - Official Commentary. 262 The Rector of a newly established mission should, in all things, be preferred to other religious members. — Although they claim this privilege for themselves, it is not difficult to foresee the difficulties and offenses that will inevitably arise. Furthermore, in the matter under discussion, one of two things must occur in a new establishment; either a parish of the proper name, or a mere mission, is constituted. If the former were the case, it would be contrary

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to the discipline of the Church for a religious family to appoint a pastor; for it is rightly maintained that regular clergy are forbidden from the office of pastor, and that they require Apostolic permission to undertake such duties. In this matter, Benedict XIV, in the Constitution *Cum nuper*, dated the sixth day before the Kalends of November, 1741, states: "It cannot be denied, according to the ancient law of canons, that monks and regular clergy have been capable of governing parish churches; but it is now certain that, according to more recent canonical discipline, it is forbidden for regular clergy to undertake the care of parishes without Apostolic dispensation." Therefore, the Sacred Council, when interpreting the decrees of the Council of Trent, in response to a doubt concerning "whether permission should be granted to the petitions of the Augustinian Fathers for the establishment of a new parish," responded negatively and furthermore. However, if, as we stated second, a mere mission is established, there is certainly no law preventing religious men from being chosen as the rector among them; but it is not permissible for them to insist on being preferred. Therefore, the Bishop, addressing the matter in its entirety and within his power, should exercise his freedom; for where the laws are silent, the place of law is the authority of the Bishop; especially since, as the saying of the doctors goes, the Bishop has an intention founded on law in all matters pertaining to the administration of his diocese. Therefore, the preference given to the religious for a new mission is either based on no legal foundation, or it is contrary to a clear disposition of the law. The entrustment of the care of souls to the diligence of the religious also gives rise to doubts; and these matters pertain to places within the jurisdiction of the missions governed by them. These are holy and pious places. It began to be questioned whether the Bishop could visit the cemetery located within those boundaries. But in cemeteries, a clear distinction readily presents itself, and therefore a reason for ending the controversy is easily found. For if we are speaking of cemeteries reserved solely for religious families, they are clearly exempt from the jurisdiction of the Bishop, and therefore from visitation; but all others, which must be held in common with the multitude of the faithful, are undoubtedly subject to the jurisdiction of the Ordinaries, and therefore are rightly visited by the Bishop, as established by Benedict XIV in the Constitution *Firmandis*, dated the eighth day before the Kalends of November, 1744. A similar distinction was made in January, regarding the dismemberment, on January 25, 1879.

[*Latin ed. p. 263*]

Appendix. – Constitution "Romanus Pontifices." In 263 locations, the matter is examined, distinguishing those places that are exempt from those over which the Bishop, whether by law or by delegation, has authority. Therefore, concerning both cemeteries and pious places, We briefly express Our judgment: the prescriptions of the sacred canons and Apostolic consti-

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tutions must be observed. Closely linked to these matters is the question of whether schools for the poor, even those called elementary or primary schools for children, are subject to the Bishops. For the ministry of teaching is most sacred, and schools, which hold the next place in order among pious institutions, are those about which we must speak. It is evident from the very name to which they pertain; for they are intended to suitably instruct children in the early elements of letters and the first truths of the faith, and in the precepts of morals: an instruction which is necessary at all times, in all places, and in all conditions of life, and which has great importance for the safety of all human society, and indeed of individual men; for, for the most part, the course of the rest of life depends on the education received in childhood. Therefore, what those who teach in such places must especially strive to accomplish, Pope Pius IX wisely indicated when he wrote: "In these schools, above all, all classes of children from the people must be diligently instructed in the most holy mysteries and precepts of Our religion, and in the accurate formation of a religious and civil way of life, and in these same schools, religious instruction must hold and dominate such a primary place in instruction and education, that other knowledge, with which youth is imbued there, should appear as secondary." Hence, it is clear that the education of children must be included among the duties of Bishops, and that the schools of which we are speaking, both in the most populous cities and in the smallest villages, must be included among the works that most pertain to the diocesan administration. Moreover, reason suggests this, and history confirms it. There has never been a time when the care of the Councils has not shone forth in the organization and preservation of such schools, for which they have wisely established many things. Indeed, in their decrees, provision is made that Bishops should take care to restore and increase these schools in towns and villages, and that children should be admitted to learn, if possible, without expense.

1. Their authority is cited in Epist. ad Archiep. Friburgen., Cum non sine maxima, July 14, 1864, Acta, vol. 3.

2. Synod. I Provincial. Cameracen., title on schools, chapter 1. - Synod. Provincial. Mechlinien., title on schools, chapter 2. Synod. Namurcen., year 1604, title 2, chapter 1.

3. Ibid.

[*Latin ed. p. 264*]

264. Acta Apostolicae Sedis. - Official Commentary. 1. Laws were established by which students would devote themselves to religion and piety, and certain endowments and qualities of mind were defined which teachers ought to possess; and it was commanded that they swear according to the formula of the Catholic profession. Finally, school administrators were appointed to oversee them, to inspect whether anything detrimental or inconvenient was present, or whether anything was omitted from

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those matters which the diocesan laws had prescribed concerning their discipline. In addition, since the Fathers of the Councils thoroughly understood that parish priests are also responsible for pastoral ministry, a significant role was assigned to them in schools for children, the care of which is most closely connected with the care of souls. Therefore, it was decided that parochial schools should be established in each parish, and these were given the name of parochial schools. Parish priests were ordered to undertake the task of teaching, and to seek the assistance of teachers and mistresses. They were given the responsibility of managing and caring for the schools with the utmost diligence. And it is declared that if they do not perform all of these things with integrity and faith, they are considered to have neglected their office, and are worthy of the attention of the Bishop. Therefore, all arguments, both from reason and from facts, converge to the point that schools, which are called "schools for the poor," should be included among the institutions governed by diocesan and parochial laws; and for this reason, the Bishops of Britain have, until this time, been accustomed to visit these same schools, both secular and regular, as far as their authority extends. We, too, approve of this and declare: Bishops have the right to visit all such schools for the poor, both in secular and in regular parishes. Another reason exists for other schools and colleges, in which religious men, according to the prescriptions of their order:

1. Synod of Antwerp, under Mireo, title 9, chapter 3.

2. Synod of Cameracensis, year 1550.

3. Synod of the Second Province of Mechlin, title 1, chapter 3.

4. Synod of the Second Province of Mechlin, title 20, chapter 4.

5. Synod of the Province of Prague, year 1860, title 2, chapter 7.

6. Synod of Valence, year 529, canon 1.

7. Synod of Nantes, related in chapter 3, concerning the life and honor of clerics.

8. Synod of Bordeaux, year 1583, title 27.

9. Synod of the First Province of Mechlin, title concerning schools, chapter 2.

10. Synod of the Province of Cologne, year 1863, title 6.

11. Synod of the Province at Maynooth, year 1875.

12. Synod of Nantes, cited above.

13. Synod of Antwerp, cited above.

14. Synod of the Province of Bordeaux, year 1850, title 6, chapter 3.

15. Synod of the Province of Vienna, year 1858, title 6, chapter 8.

16. Synod of the Province of Utrecht, year 1865, title 3, chapter 2.

17. Synod of the Province of Cologne, year 1863, title 6, chapter 5.

18. Synod of the Province of Cologne, year 1860, title 2, chapter 23.

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19. Synod of the Province of Utrecht, year 1863, title 9, chapter 5.

20. Synod of the First Province of Cameracensis, title concerning schools, chapter 2.

[*Latin ed. p. 265*]

Appendix. – The Constitution "Romanus Pontifex." 265. They are accustomed to take care of the founding of parishes; for in these matters, both reason demands it, and We desire that the privileges granted to them by the Apostolic See remain firm and intact, as was clearly declared in the year 1774 by the Sacred Council for the Propagation of the Christian Faith, when the acts of the Fourth Provincial Council of Westminster were published. As regards schools and already established regular colleges, the matter is still in doubt, namely, whether permission is required for the founding of new ones. The question is asked: from which superior must permission be obtained? Furthermore, since this doubt extends more widely and pertains even to the erection of churches and monasteries, we include all these matters within the scope of a single question and judgment. In the first place, the ancient Decrees are encountered, by which the Apostolic See has taken care that no one should establish anything of this kind without special permission. Afterwards, the Council of Trent forbade any such work to be carried out "without first obtaining the permission of the Bishop, in whose diocese they are to be erected." However, this decree of the Council did not invalidate the older laws, which require permission to be obtained from the Apostolic See. Therefore, since this matter was widely discussed, Urban VIII, intending to correct a false custom, disapproved of such undertakings, both those undertaken without the permission of the Bishop, and those undertaken solely with his authority, and decreed that the laws of the ancient canons and the Council of Trent should be observed entirely in the future. – Likewise, Innocent X, in the Constitution "Instaurando idibus Octobris MDCLII," ordered that no one from the regular orders "should presume to receive or found new houses or places without the special permission of the Apostolic See." Therefore, the common opinion today is, and is supported by the authority of widely judged matters, that regular orders, both within and outside of Italy, are not permitted to found new monasteries or convents or colleges, solely with the permission of the Bishop, but also require the permission granted by the Apostolic See. Following these same principles, the Sacred Council for the Propagation of the Christian Faith decreed on several occasions that permission from the Apostolic See and from the Bishop or Apostolic Vicar is required for the erection of churches, colleges, and even missions, where religious members establish houses and dwellings.

[*Latin ed. p. 266*]

266 Acta Apostolicae Sedis. - Official Commentary. 1, that it is entirely

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necessary. Therefore, in response to the proposed question concerning religious congregations establishing new foundations, whether by erecting new churches, opening monasteries, colleges, or schools, it is not permissible to do so without first obtaining express permission from the local Ordinary and the Apostolic See. It often happens that a more subtle inquiry arises as to whether both permissions are required, if the regular family is not undertaking a completely new endeavor, but rather wishes to adapt existing institutions to other purposes. However, the response will not be obscure or ambiguous if we distinguish between various circumstances that may arise. At the outset, who would seriously doubt whether it is permissible to convert those things that have been established for the sake of piety and religion to uses that are alien to religion and piety? Therefore, only three questions remain to be considered: whether it is permissible to remove something established in a particular place and transfer it to another; or to change it to a compatible use, such as converting a school into a church, a monastery into a college, or a house to receive pupils and the sick, or vice versa; or finally, to introduce a new purpose or use while retaining the original purpose. Certainly, the first two of these actions cannot be carried out at the discretion of the religious members, as decreed by Boniface VIII, who forbade them "to receive new houses or places, 3 or to change those already received." Furthermore, what can be done regarding either of these two actions, unless the matter reverts to the foundation of new "monasteries, colleges, houses, convents, and other regular places" of this kind? However, Urban VIII forbade this through the Constitution Romanus Pontifex, unless "in all things and through all things, the form of the sacred canons and the Council of Trent is observed." Thus, only one matter remains to be debated: whether a new purpose or use can be added while retaining the original purpose. Then it is necessary to examine the matter more closely and accurately, to determine whether the introduction of another use pertains to the internal administration and domestic discipline, such as the establishment of a novitiate or a college of studies for younger members in a monastery; or whether it exceeds the limits of internal administration, such as the establishment of a school or college that is open to outsiders. Clearly, if it exceeds these limits, the matter reverts to one of the two actions that, as we have said, Boniface VIII and Urban VIII forbade to be carried out at will. However, if the change remains within the limits of domestic discipline, the religious members certainly have the right to do so; unless, perhaps, the laws of the foundation prohibit it. From these considerations, taken individually, it is clear that...

[*Latin ed. p. 267*]

Appendix. – The Constitution of the Roman Pontiffs states: "It is not permitted to religious members to convert those things which have been instituted for a particular purpose to other uses without the express per-

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mission of the Apostolic See and the local Ordinary, unless it is a matter of conversion which, while respecting the fundamental laws, pertains only to the internal governance and regular discipline."

Now, let us proceed to the main point of contention, in which the temporal goods of missions are discussed. These goods are obtained through the generosity of the faithful, who, with their own free will and intention, offer donations, either with a view to the mission itself, or to the one who presides over the mission.

Indeed, if the donation is made with a view to the mission, it is often unclear whether the religious men to whom the donation has been entrusted are obliged to render an account to the Bishop of the receipt and expenditure of these funds. On this matter, the Sacred Congregation, in order to promote the Christian name, issued a decree on April 19, 1869, concerning the British missions entrusted to religious Orders or Institutes, in the following terms:

"1° Regular missionaries are not obliged to render accounts to the Bishops regarding the temporal goods pertaining to them as regulars.

2° However, the Bishops have the right to demand accounts from these regular missionaries, as well as from secular clergy and parish priests, regarding those goods which have been given to the mission, or to the regular members in view of the mission."

Furthermore, on May 10, 1868, the same Sacred Congregation issued instructions to ensure that the goods of the missions are carefully described, distinguishing those that belong to the mission itself from those that belong to the religious members or associations.

Nothing has been decreed or prescribed in these matters that is not entirely in accordance with the most common teachings of civil law. For any offering given to a parish priest or another administrator of the Church, with a view to a certain pious cause, is acquired by that very pious cause. Consequently, whoever receives an offering of money or goods in the capacity of an administrator, does so in the name and with the intention of the giver.

Since it is the duty of the administrator to render accounts of his actions, and to give an account to the one to whom the matter pertains, the parish priest or administrator cannot fail to render accounts to the local Ordinary, to whose jurisdiction and pious cause the matter belongs.

However, the missions, about which we have spoken, fully belong to the Bishop; therefore, accounts must be given to him regarding all offerings collected with a view to these missions.

This is not invalidated by the fact that Fagnan, in chapter Pastoralis, no. 29, and Cardinal de Luca, in the Council of Trent, discourse 18, no. 5, and Reiffenst., Book 3, Decret., title 30, no. 193, L. 1 § ff. regarding the duties of guardians and administrators, L. 2 § and following sections regarding the

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management of affairs, the curator, and the tutor, in the Code of Civil Law, and the Sacred Congregation of the Council of Nullius, or Nonantulan, concerning parochial rights, June 27, 1744, 2 3, in response to question XII, all treat of similar matters.

[*Latin ed. p. 268*]

Acts of the Apostolic See. - Official Commentary. 268 Urban II, in the Council of Clermont, and other Roman Pontiffs after him, decreed that concerning parochial churches, insofar as they are joined to monasteries in temporal matters, vicars should render accounts to the Bishops regarding the care of the people, but not regarding temporal matters, since they are subject to their own monasteries; indeed, after a historical investigation has been undertaken and it has been ascertained that, in the decrees and letters of these pontiffs, the term "temporalia" signifies the fruits of benefices and those things which pertain to the beneficiaries, therefore, confirming what has been decreed and ordered by the Holy Congregation of Propaganda Fide, we decree that religious members, having rendered accounts to the Bishop, should report concerning money, with a view to the missions associated with them, and as to how much of it and for what uses they have expended it, just as secular clergy missionaries do, according to the aforementioned resolutions of that same Congregation of April 19, 1869, and the Instruction of May 10, 1868. Finally, so that no one may fall into error or dissent concerning the matters which we have now decreed, we deem it necessary to define that those monies and things which are given to religious men with a view to missions are to be understood. For in this matter, it is received that one must first consider what was generously intended; and if this is not apparent, it has been decided that a donation given to a parish priest or rector of a church is to be presumed. But there is a great departure from this rule because of a custom, which some experts in ecclesiastical law teach to be almost universally observed, by virtue of which "today, almost all offerings which are made in the church during Masses offered at the altar, and those offered for the administration of the sacraments, for blessings of marriages or of women after childbirth, for funerals and burials, or for other similar functions, belong to the parish priest; while, by custom, almost all the rest are applied to the churches themselves, or to chapels, or to other specific purposes." Furthermore, if in the case of a parish priest or rector, from whom the faithful receive spiritual assistance, a donation is presumed, it must be understood that, where the church is endowed with goods, by which the decorum of religion and the support of the ministers are promoted, a different judgment must be made than where the church does not have such an abundance of goods. References: Lucius II to the Prior of St. Pancratius in England, Alexander III to the Monastery of St. Arnulf, Lucius III to the Superior of the Premonstratensian Order and to the Abbess of St. Hilary in the diocese of Fiesole. Gonzal. Comment., in

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cap. I, de Cappel. Monach. Argument from cap. Pastoral. 9, de his quae fiunt a Praelat. cap. Transmissa, de Verb. sign., and especially cap. I, de Statu Monach. Reiffenst. L. 3 Decretai, tit. 30, n. 193, Van Espen ius eccles, univ., part. 2, sect. 4, tit. 2, cap. 10, nn. 20 et 21. Argument from cap. quia Sacerdotes 13, caus. 10, quaest. 1.

[*Latin ed. p. 269*]

269 Appendix. - The "Roman Pontifices" Constitution, and the support thereof, should be maintained by the liberality of the faithful people, either exclusively or primarily. For then, those who make generous donations will be understood to have wished to contribute to the splendor of divine worship and the dignity of religion, in the manner and according to the standards determined by ecclesiastical authority. Therefore, among the early Christians, a law was enacted to ensure that all money received as a gift be divided among the Church, the Bishop, the clergy, and the poor. Furthermore, the authority that intervenes in the matter, if it establishes the times and causes for donations, also ensures that the faithful cannot always, at their own discretion, determine the amount and the purpose for which the offered sum should be allocated; for the will of private individuals cannot prevent a certain, legitimate authority, acting for the common good, from achieving its intended effect. Having considered these matters, we have seen that the Fathers of the Provincial Council of Westmonasteriensis II acted prudently and appropriately, when, partly interpreting the pious and just will of the donors, and partly exercising the power inherent in Bishops to command the distribution of money and to determine the time and cause for its distribution, they established, in the chapter on ecclesiastical goods, what should be considered in light of the mission. Therefore, reason dictates, and We decree, that in this matter, religious individuals should conform themselves to the laws of the Westmonasteriensis Synod. Having presented these matters to Our consideration, and having resolved the controversies, we are confident that the care that We have applied to resolving them will contribute significantly to the tranquility and growth of the Catholic cause in England. Indeed, We have diligently and religiously interpreted Our pronouncements according to the rules of law and equity, and We do not doubt that those among whom We have rendered judgment will exercise equal diligence and piety in carrying them out. Thus, under the guidance and prudence of the Bishops, the religious members, having greatly deserved of the English missions, will joyfully continue to bring forth the fruits of salvation from their labors, and, as the words of Gregory the Great to the Bishops of England express it, they will arrange and accomplish, with a common... council, and concordant action, those things that are to be done for the sake of Christ, without any disagreement, and will unanimously accomplish what they rightly feel is necessary. This concord requires the paternal charity of the Bishops towards their helpers and the

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mutual respect of the clergy towards the Bishops; it is fostered by the common goal that is situated in the joint pursuit of the salvation of souls; and it demands the need to resist those who are hostile to the Catholic name. This generates strength and makes even the weak equal to undertaking great things; this is a sign that distinguishes sincere disciples of Christ from those who pretend to be such. Therefore, We earnestly exhort each and all of you in the Lord, praying with Paul that they may fulfill joy.

[*Latin ed. p. 270*]

Acta Apostolicae Sedis. - Official Commentary. 270 That they may, as we desire, possess the same charity, be united in mind, and feel the same things. Finally, so that those things which we have established may stand firm, we will and decree that these present Letters, and whatever is contained in them, even concerning those religious members mentioned above, and any others of whatever status, rank, order, and dignity who may be involved in the foregoing matters, or who, without specific mention, are deemed worthy of consideration, or who have not been called and heard, and the reasons for which these present documents have been issued have not been sufficiently presented, verified, and justified, or for any other reason, even if legally and privileged, shall never, at any time, be challenged on the grounds of surreptition or fraud, or of nullity of intention, or lack of consent of those concerned, or for any other reason, however great and substantial, requiring individual expression, be impugned, violated, revoked, brought into dispute, or reduced to legal terms, nor shall any legal remedy of restitution or otherwise be attempted or obtained against them; but rather, these present Letters shall always exist and remain firm, valid, and effective, obtaining their full and complete effect, despite any defects of law or fact that might be raised against them to the effect of hindering or delaying their execution in any way or for any reason, and therefore, with all and every impediment thoroughly rejected, they shall be inviolably observed by those to whom they apply, and for all time to come. And thus, and in no other way, shall the foregoing matters be judged and decided by any ordinary or delegated judges, and it shall be void and null if, by anyone, knowingly or unknowingly, with any authority, anything should happen contrary to these things. Notwithstanding the foregoing, and in order that Our Rule and that of the Apostolic Chancery, concerning the law in question, and other Apostolic and Universal, Provincial, and Synodal Councils, edicts and ordinances, as well as the statutes and customs, even those strengthened by oath, Apostolic confirmation, or any other means, and also privileges, indulgences, and Apostolic Letters of any kind, contrary to the foregoing provisions, issued and enacted, and even repeated many times, may not be invalidated. All of these, and each of them, even if

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a special form were to be observed for their derogation, 1 Philip., II, 2.

[*Latin ed. p. 271*]

Appendix. – Constitution "Romanus Pontifices". 271. We declare that those who possess copies of these present documents, having them for the full and sufficient expression of the aforementioned matters, intend, solely and expressly, to derogate from them, and from all other contrary provisions. Furthermore, whenever copies of these present Letters have been publicly published in England, we decree that immediately after such publication, all and each of those to whom they pertain, or shall pertain in the future, shall be affected thereby, as if each of them had been personally notified and informed. Therefore, no human being shall be permitted to infringe upon this page of Our decisions, declarations, decrees, precepts, and will, or to dare to contradict it with audacious temerity. If anyone should presume to attempt this, let him know that he will incur the indignation of Almighty God and of the Blessed Apostles Peter and Paul. Given at Rome, near St. Peter, in the year of the Incarnation of Our Lord, one thousand eight hundred and eighty-one, on the eighth day before the Kalends of May, in the fourth year of Our Pontificate. G. CARD. SACCONI, Pro-Datary. - TH. CARD. MERTEL. VISITED BY THE CURIA, I. DE AQUILA, and the Viceroys of the Tenth District of Lead. Registered in the Secret Archives of Briefs. I. CUGNONIUS.

[*Latin ed. p. 272*]

Acts of the Apostolic See. - Official Commentary. II. LETTERS CONCERNING PRIVILEGES GRANTED TO THE CHURCH IN LATIN AMERICA BY POPE LEO XIII FOR THE SAKE OF FUTURE REMEMBRANCE. Through the benevolent disposition of divine providence, a path was opened across the Atlantic Ocean to the other part of the world by Christopher Columbus, and the Church of God found there many thousands of souls, whom, as it was its duty and work, it sought to lead from darkness and barbarism to humanity and gentleness, from error and superstition to communion with all the good things that have been obtained through Jesus Christ, and from death to life. This salutary work, begun while the discoverer Columbus was still living, by Alexander VI, Our Predecessor, was carried out by the Church with constant charity, and has continued until Our time, extending its sacred expeditions even to the extreme reaches of Patagonia. For the land, with its boundless expanse and its very nature, is fertile, and if diligently cultivated, it yields abundant and joyous fruits, and responds most excellently to the labors and industry of those who cultivate it. Therefore, Our Predecessor Popes never failed to send new workers to cultivate America, and in order that they might work more diligently and derive greater fruits from their work, they endowed them with special faculties and privileges, and strengthened them with

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extraordinary authority and power. Encouraged by these things, the Missionaries, spreading the light of the Catholic religion far and wide throughout the regions of America, in a short space of time, especially in those places where new inhabitants had migrated from Europe, namely the Spaniards, established themselves, erected churches, founded monasteries, opened parishes and schools, and established dioceses by the authority of the highest Pontiffs. As a result, a large part of America can be said to be held and spoken of according to the ancestral religion of the new inhabitants, and from its origin, in their language. But it is the nature of human institutions and laws that nothing in them is so sacred and salutary that it cannot be altered by custom, or overturned by time, or corrupted by morals. Thus, also, in the Church...

[*Latin ed. p. 273*]

Appendix. - Apostolic Letters "Trans Oceanum". 273. God, in whom, with absolute immutability of doctrine, variety of discipline is joined, it often happens that what was once fitting and suitable, with the passage of time, becomes either inept, or useless, or even contrary. Therefore, ancient privileges, either partially abrogated by the passage of time, or otherwise rendered insufficient, have, through the singular generosity of the Supreme Pontiffs, been supplemented with other faculties, either to be delegated to individual Bishops of Latin America, or granted for certain extraordinary cases and specific regions; and although this series surpasses the ancient privileges in number and extent, it does not remove the difficulties that exist concerning the nature, validity, and number of these same privileges. To remove these inconveniences, Our Predecessor of blessed memory, Pope Pius IX, granted similar letters on October 1st of the year 1867, confirming several of the ancient privileges for the Republic of Ecuador for a period of thirty years, or, as it had been, granting them anew. Now, since it is clearly established from ecclesiastical documents concerning Latin America, which have been collected and investigated with great diligence by experts, that many of the privileges granted to the West Indies are either no longer in force, or are subject to doubt, We, who pursue the American peoples, who have deserved so much from the Church of Rome, with singular love, in order to remove the perplexities and anxieties in this important matter, which often trouble the Bishops of those dioceses and others who are concerned, We have ordered that the entire matter of these privileges be referred to a special Congregation of Our Venerable Brothers, the Cardinals of the Holy Roman Church; who, after mature deliberation, have deemed it fitting to prepare a catalog of new privileges, excluding catalogs, summaries, and revisions published in provincial councils or otherwise, and to have it approved by Apostolic authority. Therefore, having carefully considered the matter, and with concern for all the Churches, We have, with the consent of Our Venerable

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Brothers, the Cardinals of the Holy Roman Church, so that the clergy and people of those regions may not be entirely deprived of the memory and use of former privileges, decided to grant the following privileges to all the dioceses and jurisdictions of Latin America, by the fullness of Apostolic power, for the next thirty years, by these very letters. Therefore, that what is good, happy, and prosperous may be, and that the Church of all Latin America may be blessed, We command and decree: I. That exiled Bishops residing in the jurisdictions of Latin America, after receiving the Apostolic letters of promotion, unless otherwise specified in the letters of promotion, shall enjoy the same privileges and exemptions that are granted to Bishops in their own dioceses, according to the laws and customs of the Holy Church.

[*Latin ed. p. 274*]

Acts of the Apostolic See. - Official Commentary.

I. It is prescribed by these decrees that, should it be desired by the Catholic Ordinary, with the grace and communion of the Apostolic See, and with assistants, if other assisting Bishops cannot be found without grave inconvenience, two or three priests constituted in ecclesiastical dignity, or Canons of the Cathedral Church, may be able to receive the ministry of consecration.

II. That the celebration of a Provincial Council may be postponed for twelve years, reserving to the Metropolitan the right to hold it more frequently, as necessity demands, unless otherwise ordered by the Apostolic See.

III. That Bishops may prepare the Holy Chrism, which can be made from olive oil, or truly from balsam liquid, and the Holy Oil, with the assistance of priests who are able to be present, and, in cases of urgent necessity, outside of the day of the Lord's Supper.

IV. That the Holy Oils, even those of ancient origin, may be used, but not for more than four years, provided they are not corrupted, and that, after all due diligence, new or more recent Holy Oils are not available.

V. That, for all and each regions or places, in which, due to great distances or another grave impediment, it is difficult for Parishes or Missionaries to take and carry with them the water blessed on Holy Saturday and Pentecost from the baptismal fonts, where it is kept, the Ordinary, in the name of this Holy See, may grant to the aforementioned Parishes and Missionaries the faculty of blessing baptismal water with the shorter formula, as the Supreme Pontiff Paul III permitted Missionaries to use in Peru among the Indians, which is read in the appendix to the Roman Ritual.

VI. That, if, due to lack of time, and improper preparation, and other grave reasons, it is difficult to use all the ceremonies prescribed for the baptism of adults, the Parishes and Missionaries, with the prior consent of

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the Ordinary, may use only those rites which are designated in the Constitution of Paul III, *Altitudo*, of June 1, 1537. Furthermore, that in these same matters, the Ordinary, in the name of the Holy See, may grant to the Parishes and Missionaries the use of the order of baptism for infants, with the Ordinaries themselves being aware of the grave necessity for the use of such a faculty.

VII. That in all and each jurisdictions of Latin America, with no exception, all priests, both secular and regular, as long as they reside in the aforementioned jurisdictions, and no others, may, each year on the second of November or the following day, according to the rubrics of the Roman Missal, which indeed commemorates all the deceased faithful by the universal Church,

[*Latin ed. p. 275*]

Appendix, T. Apostolic Letters "Trans Oceanum." 275. It is permitted that each [person] may celebrate three Masses, provided that they receive only one alms, namely, for the first Mass alone, and in that amount which has been regularly prescribed by the Synodal Constitutions or by local custom; however, the fruit of the second and third Masses should not be applied specifically to the deceased, but rather for the benefit of all the faithful departed, according to the norm of Constitution XXVI, issued by the Most Holy Pope Benedict XIV, on the day of August, 1748. VIII. That all the faithful may be able to fulfill the precept of annual Confession and Communion from the Sunday of Septuagesima until the octave day of the Solemnity of the Body of Christ, inclusive. X. That all the faithful may obtain the indulgences and jubilees which require Confession, Communion, and fasting, provided that, observing the fast, if they live in a place where it is entirely impossible or very difficult to have access to a confessor, they at least be contrite of heart with a firm purpose of confessing as soon as they are able, or at the very least within one month. X. That Indians and Negroes may contract marriages within the third and fourth degrees of consanguinity as well as affinity. X. That Indians and Negroes may receive the blessing of marriages at any time of the year, provided that, during those times when marriages are prohibited by the Church, they do not use any pomp or ceremony. XI. That Indians and Negroes are not obliged to fast except on the Saturdays of Lent, on Holy Saturday, and on the eve of the Nativity of Our Lord Jesus Christ. XII. That furthermore, Indians and Negroes may freely use the indulgence, which is called the Lenten indulgence, and which is granted to the faithful of the respective diocese or region by the Apostolic See; therefore, they may eat meats, eggs, and dairy products on all the days prohibited by the Church, except for the days mentioned in the preceding paragraph XII. XIV. That whenever, in matters concerning either criminal cases or any other ecclesiastical affairs, an appeal is made against judgments rendered for the time being, if the first judgment was issued by

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a Bishop, the appeal shall be made to the Metropolitan; if, however, the first judgment was issued by the Metropolitan himself, the appeal shall be made to the nearest Ordinary, without any other rescript from the Apostolic See; and if the second judgment is in conformity with the first, it shall have the force of a final judgment, and its execution shall be demanded by the one who issued it, notwithstanding any appeal; but if the two judgments, whether issued by the Ordinary and Metropolitan, or by the Metropolitan and the nearest Ordinary, are not in conformity, then...

[*Latin ed. p. 276*]

276 Acta Apostolicae Sedis. - Official Commentary. If the prescribed forms have not been followed, then to another Metropolitan or Bishop, to whom the first judgment was given, the neighboring Bishop of the same province shall be called, and two out of the three judgments must be in agreement, which we wish to have the force of a final judgment; the one who judges last shall execute this, notwithstanding any appeal. However, a recourse to the Apostolic See, even without an intermediary, either before or after the judgments of the lower judges, must always remain complete, according to the law; and in the use of this privilege, the following conditions must be strictly observed: 1° That in each case, the right of every litigant to appeal to this Apostolic See remains intact, even after the first judgment; 2° That in each act, mention is made of the Apostolic delegation; 3° That the causes are reserved to the same Apostolic See, according to the norms of the Holy Council of Trent; 4° And that, with regard to matrimonial causes, those safeguards are maintained which were established in the Constitution of Benedict XIV, which begins with the words *Bei miseratione*. By Our Apostolic Authority, all and each of the privileges previously granted by this Holy See to the West Indies, whatever their name or form, are abolished and annulled. - Contrary provisions, even those specifically and individually mentioned, notwithstanding. Given at Rome, near St. Peter, on the solemn day of Easter, April 18, 1897, in the twentieth year of Our Pontificate. A. CARD. MACCHI.

[*Latin ed. p. 277*]

Year II. - Vol. II. April 30, 1910. No. 7. OFFICIAL COMMENTARY ON THE ACTS OF POPE PIUS X. APOSTOLIC CONSTITUTION CONCERNING THE SUBURBAN DIOCESES. PIUS, SERVUS OF GOD, TO THE ETERNAL MEMORY. From the very beginnings of the Church, a principal concern of the Roman Pontiffs has been that the salvation of the Christian people be fostered by effective and constant ministry, as it is written: "In whom the Holy Spirit shall instruct you, and you shall be mindful of all the flock, to feed the Church of God." Among these, those who hold the foremost place are certainly those Cardinals who occupy sees nearest to the City, to whom the designation "Suburban" has

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been appropriately given. These prelates, both by the amplitude of their dignity and the excellence of their doctrine, and no less by other virtues, especially by their liberality, munificence, and zeal for the welfare of the faithful, have contributed, as history's monuments attest, to the splendor and prosperity of the places subject to their jurisdiction, even to this day. However, recent events and the circumstances of human affairs have made their administration increasingly difficult. Hence, the dioceses mentioned above are in a more serious state of need and require greater vigilance and care. For those who, before...

[*Latin ed. p. 278*]

Acts of the Apostolic See. - Official Commentary. 278. In times past, the suburban population, largely devoted to cultivating the fields, led a peaceful and secure life; today, however, due to the increase in commerce, more convenient routes, and the ever-increasing number of people arriving, they are called to a daily confrontation with the distinctions between faith and morals. On the other hand, the business dealings of the Cardinals in the City have become so numerous that they overwhelm them, especially given the many and great needs that the Church now faces. This results in the fact that, in order to provide assistance and to attend to the cares for which the same dioceses are presently most in need, and to dedicate themselves to the affairs that are handled at the Apostolic See, especially as they advance in age, time and strength are often insufficient. For these reasons, it has seemed opportune and necessary to the Apostolic See to introduce some moderation in the administration of the suburban dioceses, so that the Cardinal Bishops of the Suburb, maintaining the dignity of their office and their charge within the dioceses assigned to them, might receive assistance through the more effective ministry of their Suffragans, and thus both their pastoral duties might be somewhat lightened, and they might better attend to the spiritual needs of their dioceses. Wherefore, after careful deliberation, and with the advice of many Cardinals of the Holy Roman Church, among whom are those of the Suburb, and while maintaining firm the law established regarding the option and nomination of Cardinals to the suburban dioceses, by these present Letters we establish and command that the following articles of law, which are written below, be perpetually and inviolably observed concerning the Cardinal Bishops of the Suburb and their Suffragans. I. A Cardinal, promoted to the suburban See, is himself the true Bishop of the diocese into which he enters, in the same way as other bishops who reside there. II. The discipline which has hitherto prevailed, by which a Suffragan Bishop was assigned to assist the Bishops of Sabina and Velletri, is now extended to all Cardinal Bishops of the Suburb.

[*Latin ed. p. 279*]

The acts of Pope Pius X will henceforth be a support for the bishops

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with the titular see. III. A suffragan bishop will be named by the Supreme Pontiff and will take possession of his office by presenting the letters of nomination to the Cardinal Bishop. I V. The Cardinal Bishop irrevocably assigns to the suffragan bishop, by virtue of this Constitution, all that is necessary for the governance of the diocese, so that the suffragan bishop has the same rights and duties as the resident bishop in the governance of the diocese, unless they are contrary to these letters. V. The suffragan bishop governs the diocese in the name and on behalf of the Cardinal. V I. If the Cardinal dies, resigns, or is transferred to another diocese, the jurisdiction of the suffragan bishop does not cease, but he then governs the diocese in the name of the Holy See, as an Apostolic Administrator. V I I. He must annually report to the Cardinal on the state of the diocese, including its economic situation. VIII. Where it can be done, a portion of the episcopal buildings will be designated for the suffragan bishop and the Curia. I X. To the Cardinal belong the solemn blessings of oils and pontifical functions on the major feasts of the year, as described in the *Caeremoniale episcoporum*; unless, indeed, the Cardinal himself wishes to entrust them to the suffragan bishop. X. The Cardinal must offer the Mass, as do other resident bishops, for the people. X I. Only the insignia of the Cardinal are affixed to the episcopal residence, the cathedral, other churches, pious places, and acts of the Curia. X I I. The *Solium* in the diocese and the name in the Cardinal's canon belong to one and the same person.

[*Latin ed. p. 280*]

280 Acta Apostolicae Sedis. - Official Commentary. XIII. A Cardinal, even when absent, possesses the faculty of granting plenary indulgences throughout the entire diocese. XIV. While residing in a diocese, a Cardinal has the right to perform or permit pontifical functions therein. XV. Benefices of Chapters, or cathedrals, or collegiate bodies, and parochial benefices not reserved to the Holy See, may not be conferred upon a Suffragan without the consent of the Cardinal-Bishop. XVI. It is the right of the Cardinal to oversee the diocese, and, if he deems it opportune, even to visit it, so that nothing may harm the faith or ecclesiastical discipline. XVII. The Cardinal may assist at marriages and administer all the sacraments within his diocese. However, candidates for tonsure and for the orders of the ministry are to be examined and approved by the Suffragan; to whom, moreover, it is not permitted to confer orders, or to delegate the conferring of orders to another, without the permission of the Cardinal. XVIII. A synod cannot be held without the consent of the Cardinal; and it must be convened in his name. Furthermore, the decrees of the synod must be presented to the Cardinal for his consideration before they are promulgated, and they must be promulgated in his name. XIX. Parochial benefices within the diocese may not be united, divided, or dismembered without the Cardinal being heard. XX. The Cardinal must be consulted

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before a rector, professors, or an economist are appointed for a seminary. XXI. Upon the death, resignation, or transfer to another diocese of the Suffragan, the Cardinal shall provide for the administration of the diocese through a vicar, until the Holy See appoints a successor. XXII. Upon the death of the Cardinal, the same funeral rites are due him as would be due to a resident Cardinal-Bishop. Therefore, whatever has been decreed, declared, or sanctioned by these documents, we wish and command to be observed by all to whom they pertain.

[*Latin ed. p. 281*]

281 The acts of Pope Pius X are approved, and we declare them to be valid and binding on all, notwithstanding any objections, even those of particular importance. The Cardinals, however, should continue to preside over and govern the dioceses as before, unless they wish and request to conform to the present Constitution. Given at Rome, near St. Peter's, in the year of the Incarnation of the Lord, 1910, on the 15th of April, in the seventh year of Our Pontificate. A. CARD. AGLIARDI, G. CARD. DE LAI, E. Cancellarius. S. C. Consistorialis Secretarius. APPROVED in the Place of Lead. M. RIGGI G. A., Not. Reg. in Cane. Ap. N. 556. BY OUR OWN INITIATIVE, WE CONFIRM THE ASSOCIATION OF THE SACRED HEART OF JESUS AT THE PIA SCHOOL, AND WE APPROVE THE PIA MARIAN ASSOCIATION OF MERCY. Whereas Our predecessor of blessed memory, Pope Pius IX, desiring to promote Christian discipline and the education of children from the neighborhood, which begins near the Aelian Bridge and extends to the Vatican, established in 1859 elementary schools in the Pia area, and entrusted their administration and management to the Marian Association of Mercy: and whereas, in 1861, he confirmed this institution by a written document. For a long time, the members of this association have always diligently fulfilled the duties entrusted to them, satisfying the expectations of the Pope to the fullest extent. Moreover, aware of the times, which require new resources for the proper upbringing of youth, they, in order not to leave the young people who have progressed beyond the fundamentals of their studies unprotected from the temptations of corruption, wisely founded an association of young people, called the Association of the Sacred Heart of Jesus, within their own schools. This association was established at the beginning of Our Pontificate, and We approved it wholeheartedly. To provide a suitable place for the association to meet and to carry out its activities, We, with Our own resources and with the generous contributions of pious people,

[*Latin ed. p. 282*]

282 Acts of the Apostolic See. - Official Commentary. In addition to the aforementioned, we have constructed a building adjacent to the school garden, which we have named the Pia Aula [Pious Hall]. Now, in order

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that this undertaking, so beneficially instituted, may gain the weight of our authority and thus obtain stability, we, with our own motion and certain knowledge, declare and confirm the Association of the Sacred Heart of Jesus connected to the Pia Aula, which association, founded for the benefit of former students, is also open to other young people in the vicinity. Furthermore, since the Marian Sodalities have been entrusted with the care and administration of the Pia Aula, we entrust this association of young people to their perpetual care, governance, and administration. Moreover, we entrust the Pia Aula, together with all the buildings that have been or will be constructed as part of this undertaking, to the custody and care of these same Sodalities. Finally, we prohibit anyone from converting this Aula and these buildings to any other purpose than those for which they have already been, or are intended to be, dedicated to us and to other benefactors. And all that has been decreed in these our letters, we wish to remain valid forever, notwithstanding any contrary provisions. Given in Rome, at St. Peter's, on the tenth day of April, in the year 1910, in the seventh year of our pontificate. PIUS PP. X. APOSTOLIC LETTER: ERECTION OF A SODALITY UNDER THE TITLE OF THE REPARATORY MASS WITHIN THE ARCHDIOCESE FOR THE ENTIRE HELVETIC LAND, WITH THE FACULTY OF ADMISSION AND WITH THE GRANTING OF INDULGENCES. PIUS PP. X. For the perpetual memory of this event. — Our beloved son, John E. Kleiser, apostolic protonotary and canon of the Blessed Virgin Mary of Freiburg, reports to us that, by a decree issued on the twenty-fourth of November of the year 1909, by the Ordinary of the dioceses of Lausanne and Geneva, a pious sodality under the title of the Reparatory Mass has been canonically erected within the institution called the Marienheim Society, in Freiburg in Switzerland, and that John himself, or another priest chosen by him, has been designated as the director of that confraternity, to succeed him in office. The purpose of the aforementioned sodality is to repair the honor of God, which has been injured by the omission of Mass on festive days by Christians, through the pious act of attending another Mass, so that the members, in addition to their customary Mass, on Sundays and on holy days of obligation...

[*Latin ed. p. 283*]

283 The Acts of Pope Pius X decree that those lay faithful who, through negligence, miss one Mass, are obliged to attend another; and if they are hindered by a serious reason from attending Holy Mass on those days, it is permissible for them, or for others, to receive the Eucharistic food on that very Sunday, or to attend Holy Mass within the week. However, since the aforementioned sodalities have already been established in France, Belgium, the Netherlands, Austria, Great Britain, Spain, and Germany, and in each nation there exists an Archisodality, which is the center and head

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of the rest; and it is greatly desired by the Moderator of the Friburgensis sodality that the same society established in Friburg be raised to the rank and dignity of an Archisodality for all of Switzerland, with the special indulgences that have already been granted to similar Archisodalies, and most recently, the Archisodality of the diocese of Strasbourg, through similar apostolic letters dated June 25th of the year 1906; we deem it fitting to grant our approval to these desires, as far as in the Lord is possible. Therefore, that this fruitful society may experience greater growth, we grant to all and each of the indulgences by which the Archisodality of Strasbourg benefits. Namely, to all and each of the faithful, of both sexes, who join the Friburgensis sodality, henceforth called the Society of Reparation for the Holy Mass, on the first day of their entry, if they have truly repented and confessed, a plenary indulgence; and also, to those who are enrolled in the society, or who are to be enrolled in the future, at the hour of their death, if they are also truly repentant and have confessed, or, if they are unable to do so, have invoked the name of Jesus with their mouth, if they can, but otherwise with a devoted heart, and have accepted death as the punishment for sin with a humble spirit, also a plenary indulgence; finally, to the same members of the same society, if they are also absolved through confession and refreshed with the heavenly food, each year on the feast of the Sorrowful Virgin Mary, on the feast of the Holy Anne, the Virgin Mother of God, on the Sunday within the octave of the Most Holy Body and Blood of Our Lord, and on the Thursday of the Lord's Supper, from the first vespers until sunset on those days, if they visit their own church, if it exists in the places where the members reside, otherwise their parish church, or any other public church, and there pour forth pious prayers to God for the concord of Christian princes, the eradication of heresies, the conversion of sinners, and the exaltation of the Holy Mother Church, we mercifully grant, in the Lord, a plenary indulgence for all their sins. Furthermore, to these confratres or sisters, whenever, with at least a contrite heart, according to the rules of piety of the society, they perform any work of piety or charity...

[*Latin ed. p. 284*]

Acts of the Apostolic See. - Official Commentary. 284. Concerning the exercise of this office, we deem it fitting, according to the established custom of the Church, to determine the number of penal days to be remitted, which shall be sixty. However, we grant to the faithful the same indulgence, except for the plenary indulgence granted at the hour of death, and the remaining plenary or partial indulgiances, so that they may expiate the imperfections of their lives through the works prescribed. This applies for the present and for all future times. Furthermore, since it seems to Us most opportune, that a center also be established in Switzerland for such a Sodality, We, by Our apostolic authority, hereby, in the present and perpetually, erect and establish the aforementioned Sodality, called

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the "Reparation Society," erected in Freiburg in Switzerland, within the Institute of the Society Marienheim, as an Archisodality, with its own privileges. We also grant to the Moderator and to the zealous members, both men and women, of the thus erected Archisodality, the power to legitimately and validly receive and incorporate members. Finally, We grant, by Our apostolic authority, to the aforementioned Moderator, and to the aforementioned zealous members, both present and future, perpetually, that they may canonically incorporate to themselves any other societies of the same name and institution existing throughout Switzerland; and that they may communicate to others all and each of the indulgences and relaxations granted to this Archisodality by the Apostolic See, provided that they can be communicated to others, always observing the Constitution of Pope Clement VIII, Our Predecessor, and all other apostolic ordinances issued concerning this matter. We decree that these present letters shall be firm, valid, and efficacious, and shall have and obtain their full effect, and that they shall fully suffice for those to whom they pertain, and may pertain, in all things and through all things; and that, accordingly, these matters shall be judged and determined by any ordinary and delegated judge. And that they shall be declared void and null, if anyone, with any authority, knowingly or unknowingly, should attempt to alter them in any way. Notwithstanding any contrary provisions. We decree that to these present letters, or to printed copies thereof, signed by the hand of a public notary, and sealed with the seal of a person holding ecclesiastical dignity, the same faith shall be given as would be given to the present documents if they were exhibited or shown. Given at Rome, at St. Peter's, on the sixth day of April, 1910, in the seventh year of Our Pontificate. R. L. £g S. CARD. MERRY DEL VAL, Secretary of State.

[*Latin ed. p. 285*]

From the Acts of Pope Pius X, 285. LETTER TO THE REVEREND SEBASTIAN CORRADI, CANON, RECTOR OF THE METROPOLITAN CHURCH OF GENOA, CONCERNING THE CELEBRATION OF THE MEMORY OF SAINT CATHERINE FLISCA.

Beloved son, greetings and the apostolic blessing.

We have learned from your letters that, with the care of devout men, you are preparing to celebrate the memory of Catherine Flisca, whose blessed departure will soon be followed by the completion of four centuries; and this does not surprise Us, since We know the singular piety of the people of Genoa. Indeed, it could not be that such a religious city would lack, at this time, the desire to honor with all diligence the memory of that most holy woman, who was such a light and ornament to it. But, although it is not surprising, it is pleasing to Us, especially because of your efforts, for We are confident that these sacred celebrations will be very beneficial to all of you for your salvation. For, recalling the excellent examples of virtue that shone

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forth in the life of this great citizen, you will be encouraged to preserve the ancestral Faith, and to live accordingly, and by following the signs of her pious devotion, you will certainly obtain her heavenly patronage for yourselves and for your city. We, however, beseech the merciful God that these fruits that We await may be abundant; and We impart to you, beloved son, and to all the people of Genoa, Our most affectionate apostolic blessing.

Given at Rome, near St. Peter's, on the eleventh day of April, 1910, in the seventh year of Our Pontificate.

PIUS PP. X.

[*Latin ed. p. 286*]

Acta Apostolicae Sedis. - Official Commentary. 286. SACRED CONGREGATION CONSISTORY I. DECREE CONCERNING THE SECRET TO BE OBSERVED IN NOMINATING CANDIDATES FOR EPISCOPAL SEATS IN THE UNITED STATES OF AMERICA. The proper reason for ecclesiastical discipline demands that the names of those who are proposed by the councils of the clergy, according to the laws in force there, to the Holy See for the provision of episcopal sees in the United States of America, be kept absolutely secret. This is required by the dignity of the ecclesiastical election and the gravity of the matter, by the reverence due to the supreme judgment of the Roman Pontiff which is invoked, and by the justice due to the candidates themselves. For when these names are made public, they are exposed to public discussion, which, depending on the opinions of people and newspapers, is sometimes fair, but more often unjust and inequitable. This detracts from the honor of the candidate, and sometimes without easy or complete reparation, and also hinders the serene judgment of the Holy See and the freedom of a just election. Consequently, many of the best men are reluctant to be included in the list of candidates, not only because of the just fear of such an office, but also lest they be spoken of in the mouths of the people and exposed to various reproaches. Considering these things, several bishops of this region and other very distinguished men requested the Holy See to provide a suitable remedy. The Most Holy Father, Pope Pius X, in order to discern what was just and what was opportune in this matter of such importance, ordered that all the bishops of the United States of America be heard. Now, after consultation with the Most Reverend Fathers of the Sacred Congregation Consistory, and in accordance with the votes of almost all the bishops of that region, the following was decided, and it is commanded that it be strictly observed by all to whom it applies: 1. Provided that those who have the right to vote, namely the diocesan consultors and parish priests who have the right to propose candidates for the first proposal, commonly called the "theme," at the beginning of

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the session, shall all and each swear before the presiding bishop an oath to observe secrecy concerning the names that come up for discussion, and concerning those that are approved by a greater number of votes, so that they may be submitted to the judgment of the bishops.

[*Latin ed. p. 287*]

Sacred Congregation of the Consistory. 287. If any consulter, may God avert it, should fail in his oath, besides the other penalties to which he may be subject, he shall immediately be removed from his office as consulter; if he is a parish priest, the penalty shall be perpetual deprivation of the right to offer the Mass. 3. Bishops are likewise bound to observe this secrecy under a grave obligation; and at the beginning of the session in which the scrutiny of candidates is held, the President shall appropriately remind them of this obligation. 4. The administrators of the Apostolic Delegation are also bound to observe this secrecy under a grave obligation, according to the oath which is customarily taken by them; and those also to whom the Apostolic Delegate may turn in order to obtain suitable information about the candidates are bound by a grave obligation. Concerning this matter, whether by word or by letter, anyone who is questioned shall be bound by a grave obligation. 5. A copy of this decree shall be kept in each episcopal curia, so that it may be a norm and rule for all to whom it applies at all times. These present regulations are valid, notwithstanding any contrary regulations whatsoever. Given in Rome, on the 30th of March, 1910. G. CARD. D B LAI, Secretary. L. i $ i s. S. Tecchi, Assistant. II. NEW REGULATION OF THE APOSTOLIC CHANCERY CONCERNING THE SUBSCRIPTION OF APOSTOLIC CONSTITUTIONS. Concerning the publication of new Apostolic Constitutions, following those established in the Apostolic Constitution "Sapienti consilio," the Most Holy Lord Pope Pius X, having heard the counsel of certain Most Reverend Cardinals, has deigned to decree that, in the future, the Cardinal Secretary of the Holy Roman Church and the Cardinal who presides over the office to which the matter pertains in the same Constitution shall subscribe to these Constitutions; and that a double copy of these same Constitutions, one signed by the Supreme Pontiff, the other signed by the aforementioned Cardinals, shall be kept and preserved in the archive of the Apostolic Chancery. On the 15th of April, 1910. By special mandate of the Most Holy Lord Pope Pius X. R. CARD. a MERRY DEL VAL, Secretary of State.

[*Latin ed. p. 288*]

Acts of the Apostolic See. - Official Commentary. 288 III. APPOINTMENTS OF BISHOPS. His Holiness, Pope Pius X, by decree of the Sacred Congregation of the Consistory, has appointed: March 18, 1910. – The Reverend Father Salvator Scanu, Bishop of St. Mark and Bisignano, as Apostolic Administrator of the diocese of Cassano all'Jonio, by the

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mandate of the Holy See, during the vacancy of the see. April 2, 1910. – The Reverend Father Ioannes Baptista Gorordo, titular Bishop of Nilopolis, as Bishop of the cathedral church of Cebù. The Reverend Father Ioannes Bernardus Mac Ginley, priest of the diocese of Philadelphia, as Bishop of the cathedral church of Cáceres (Nueva Cáceres). April 7, 1910. – The Reverend Father Vincentius Kluczynski, of the diocese of Vilna, as Archbishop of the metropolitan church of Mohilev. The Reverend Father Gasparius Felicianus Cyrtowt, titular Bishop of Castoria, as Bishop of the cathedral church of Samogitia. The Reverend Father Antonius Karas, titular Bishop of Doryla, as Bishop of the cathedral church of Sejny, or Augustów. The Reverend Father Augustinus Losiński, canon penitentiary of the metropolitan church of Mohilev, as Bishop of the cathedral church of Kielce. The Reverend Father Marianus Ryx, parish priest of the place called Wierzbica, as Bishop of the cathedral church of Sandomierz. The Reverend Father Longinus Zarnowiecki, rector of the ecclesiastical academy of Petrograd, as titular Bishop of the church of Mosynopolis, and as suffragan Bishop to the Bishops of Luck and Zytomierz. April 9, 1910. – The Reverend Father Timotheus Corbett, rector of the cathedral church of Duluth, as Bishop of the cathedral church of Crookston. The Reverend Father Vincentius Wehrle, O. S. B., abbot of the monastery of St. Mary near Richardson, as Bishop of the cathedral church of Bismarck. The Reverend Father Iosephus F. Busch, director of the diocesan missions of St. Paul of Minnesota, as Bishop of the cathedral church of Lead.

[*Latin ed. p. 289*]

Sacred Congregation of the Consistory. 289, April 12, 1910. — The Reverend Joseph Petrelli, secretary of the Apostolic Delegation in the Philippine Islands, is appointed Bishop of the Cathedral Church of Lipa. The Reverend Paul Singzon, vicar general of the Bishop of Cebu, is appointed Bishop of the Cathedral Church of Calbayog. Upon the petition of the Most Reverend Archbishop of Turin, due to his infirm health, so that he might be relieved of the burden of the actual care of his archdiocese, and the administration of the dioceses of Ampuri and Templ, the Most Holy Father has entrusted the actual care of those same dioceses to the Reverend Peter Pizzorno, titular Bishop of Comana, auxiliary to the Archbishop of Turin. April 13, 1910. — The Reverend John Arthur Chollet, professor at the University of Ilhéus, is appointed Bishop of the Cathedral Church of Verdun. The Reverend Adolphus Manier, vicar general of the Bishop of Augustodunum, is appointed Bishop of the Cathedral Church of Belley. The Reverend Peter Chatelus, parish priest of Saint Francis of Sales in the city of Lyons, is appointed Bishop of the Cathedral Church of Nevers. April 15, 1910. — The Reverend Josué Signori, pro-vicar general of the Bishop of Bergamo, is appointed Bishop of the Cathedral Church of Fossano. The

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Reverend George Gusmini, parish priest of the Church of Saint Alexander in the city of Bergamo, is appointed Bishop of the Cathedral Church of Foligno. The Reverend Nicholas Gola, canon of the metropolitan Church of Camerin, is appointed Bishop of the Cathedral Church of Avezzano. The Reverend Emmanuel Virgilio, vicar general of the Bishop of Venusia, is appointed Bishop of Ogliastra. Moreover, the same Most Holy Lord commanded that, concerning this matter, Apostolic Letters be dispatched under seal for the proper course of law. IV. ERECTION OF DIOCESES. Our Most Holy Father, Pope Pius X, by decree of the Sacred Congregation of the Consistory, erected: November 11, 1909. — The episcopal See of Natal in the ecclesiastical province of Saint Savior of Bahia, in the Republic of Brazil.

[*Latin ed. p. 290*]

Acta Apostolicae Sedis. - Official Commentary. 290, December 15, 1909. — The episcopal see of Aracajù, and also the ecclesiastical province of Saint Savior of Bahia, in the Republic of Brazil. December 31, 1909. — The episcopal sees of Crookston and Bismarck, in the ecclesiastical province of Saint Paul of Minnesota, in the United States of America. January 21, 1910. — The episcopal sees of Corrientes and of Catamarca, in the ecclesiastical province of Buenos Aires, in the Republic of Argentina. March 10, 1910. — The episcopal see of Cuiabá was raised to the rank of metropolitan, and two new suffragan sees were established: Saint Aloysius of Cáceres and Corumbà, in the state of Mato Grosso, in the Republic of Brazil. April 10, 1910. — Four new episcopal sees were erected in the Philippine Islands: Lipa, Calbayog, and Tuguegarao. The apostolic prefecture of Palawan was also established, and these were made suffragan sees of the metropolitan Church of Manila. Furthermore, the Most Holy Lord commanded that these matters be expedited through the Apostolic Letters, sealed with lead, for the proper course of law. THEANEN. MISSARUM (Theano). FOR THE PEOPLE. On April 9, 1910. SYNOPSIS OF THE DISCUSSION. — In the town of Galluti, in the diocese of Theano, there are six parishes, of which five have, for a long time, been united to the principal parish, which is also a collegiate church under the title of Saint Stephen, the first martyr. Regarding these five parishes, there is a discussion as to whether they are truly distinct parishes from the principal one, and whether their pastors are obligated to celebrate Mass on the aforementioned feast days, as the current Bishop has commanded. The pastors were instructed to...

[*Latin ed. p. 291*]

Sacred Congregation of Councils. 291, according to the permission granted to it by the Sacred Congregation, in the suppressed festivals, they declared that they would celebrate Mass according to the Bishop's wishes for the benefit of the seminary, and that the parish priests would only do so temporarily and in obedience to the Bishop's orders, asserting that no

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obligation existed, and therefore "that they are not obliged to celebrate Mass according to the Bishop's wishes on the abrogated feast days, as they have always practiced, and will not do so until the arrival of the Apostolic Administrator, Monsignor Caracciolo." That if, for this reason, they applied only a few Masses, it was "because it was said in the Curia that this was temporary to cover the extraordinary expenses incurred and being incurred by the same administration." That if, to the venerable order of the Most Reverend Fathers, the undersigned have so far conformed, it is for the same reason, that is, because of the not inconsiderable expenses borne by the Most Reverend Fathers, and not because they are obliged."

Therefore, they were requesting that "the Bishop confirm the practice always followed by these poor parish priests, namely, to celebrate only the twenty-three annual Masses for each, and to relieve them of any other burden not due to them."

In order that it may be immediately understood why the parish priests speak only of the twenty-three annual Masses as being subject to obligation, I will refer to the Chapter of the Collegiate Church of Saint Stephen, to which six parish priests belonged, who, due to reduced revenues, in the year 1850, obtained from the Sacred Congregation of Eastern and Regular Churches, a remission and condonation of previous omissions, and for the future, "until the revenues are restored to their former state," a reduction of the obligations of Masses to 270 annual Masses, which were those established in the foundation of 1135.

Furthermore, when the Collegiate Church was suppressed, and only six parish priests remained, who were subject to canonical obligations, these fulfill their obligation by applying annually 23 Masses each, that is, that portion which would have been due to each canon in proportion to the revenues.

It should also be noted that in the petitions of the Sacred Congregation of Eastern and Regular Churches offered in the year 1850, there was not included a list of the legates for whom the reduction was requested; but rather, the task of rewriting the document and preparing a new table was entrusted to the Bishop, who entrusted this last task of the Chapter to the Primicerius.

Furthermore, in the new table prepared by the Primicerius, which the parish priests now present, and whose authenticity the Bishop does not doubt, the first item is: "Masses for the people, which have been reduced from 365 to 91 annual Masses." This is the question that the Bishop does not dare to resolve, and therefore, the Most Reverend Fathers have proposed that it be defined.

Since the solution to the question seems to be primarily to be drawn from the nature of the five parishes, which are now under the title of Saint Mary of Casale, Saint James the Apostle, Saint Bartholomew the Apostle, Saint

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Lawrence, and Saints Clement and Donatus, it is best to refer to an older document concerning the union of the churches of Gallutii with the church of Saint Stephen. Of this kind...

[*Latin ed. p. 292*]

Acts of the Apostolic See. - Official Commentary. This document is a certain Bull, issued by Julius II on the ninth day of February in the year 1505, in which the following, among other things, are read: "Recently, a petition was presented to Us, containing the statement that, formerly, the Most Reverend Angelo, titular of St. Lawrence in Damascus, Cardinal in the Kingdom of Sicily and the territory beyond the Straits, acting as Legate for the part of the then archpriest of the church of St. Stephen and the Prefects of the Chapter, explained that the churches of St. Andrew of Carpulo and St. Mary of Sipicciano, and St. Donatus of St. Donatus, as well as St. Reparata of St. Reparata, and St. Clement of St. Clement, and St. Honuphrius of St. Honuphrius, and St. Quirinus of St. Quirinus, and St. Mary of Casali, all parish churches, and St. Blaise of St. Blaise, and also St. Sylvester of St. Sylvester... within the territory or district of the land of Gallutii, belonging to the aforementioned diocese, had, from the time of the founding of these churches, and for so long a time that the memory of its beginning does not exist among men, been and had been accustomed to be, and then were, immediately subject to the aforementioned church of St. Stephen and to the same Chapter, etc. The same Cardinal Angelo, and the Legate, then archpriest, and the Prefects of the aforementioned Chapter of St. Stephen, inclined in that part by the supplications, united, granted, and incorporated the aforementioned churches... with all their rights and appurtenances, perpetually to the aforementioned church of St. Stephen, or to its Chapter, by the authority of his legation, so that the aforementioned archpriest and Chapter of St. Stephen, through themselves, or another or others, may freely seize and perpetually retain the physical possession of the united churches and chapels, and the rights and appurtenances thereof, and may, by their own authority, freely seize and perpetually retain the fruits, revenues, and proceeds thereof, and convert them to their own use, and to the use of the Chapter and the united churches and chapels of this kind, etc... Furthermore, as the same petition stated that the aforementioned archpriest and Chapter of St. Stephen had been and are, in peaceful possession of the aforementioned parish churches and chapels, both those with and without a cure, for so long a time that the memory of it does not exist among men, they were entrusted with the care and governance of these churches by canonical means, to the priests and clerics of the aforementioned church of St. Stephen, so that the fruits of these same united churches and chapels may be distributed and divided among all the canons, priests, and clerics, and other persons of the aforementioned church of St. Stephen, and to the other aforementioned united

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churches, so that they may serve in the divine offices, and that each canon, priest, and cleric of the same church of St. Stephen may seem to form one congregation or society among themselves, and that the Chapter and the canons of St. Stephen are also in peaceful possession, or as if, of the right to elect an archpriest, etc... We were humbly supplicated that, for the firmer subsistence of the aforementioned union, annexation, incorporation, and custom,..."

[*Latin ed. p. 293*]

293 Sacred Congregation of the Council. In order to add strength to the Apostolic confirmation, and for the sake of greater caution, We deem it fitting, through the aforementioned Cardinal and Legate, to perpetually unite, attach, and incorporate the individual parish and unendowed churches, newly established through this union, to the aforementioned chapter, and to provide for other matters pertaining to this, with Apostolic benevolence. Therefore, We... inclined by such supplications, We hereby approve and confirm, with Apostolic authority, the aforementioned union, annexation, incorporation, and custom, and We supplement any defects that may have occurred therein, and, for greater caution, We perpetually unite, attach, and incorporate the aforementioned individual parish and unendowed churches, established after this union, in every way and from any persons or through letters of resignation, etc., with all their rights and appurtenances, to the aforementioned chapter, in accordance with the aforementioned authority and tenor, so that it may be permitted to the archpriest and chapter, by themselves or through another or others, to continue the corporal possession of the united churches through the aforementioned Legate... provided that, due to this union, annexation, and incorporation, the aforementioned parish and unendowed churches, when united, are not defrauded of their due obligations, and that the pastoral care of souls in these parish churches is not neglected in any way, but that the customary burdens of the aforementioned individual churches are duly supported. We hereby declare null and void, etc. " The usual clauses annulling are followed. Furthermore, there is an old copy of a session of the Provincial Synod of Capua, in which the archpriest of the town of Galluti appeared before the Archbishop and Bishops, who, after recalling what has been stated above and presenting the Bull of Julius II, stated: "It has recently come to the attention of the Most Reverend Ordinary of Teano that he wishes to make some changes to the aforementioned matters, and to grant the aforementioned parish churches to the chapter at his discretion, and furthermore, he requests that the aforementioned Bull, as stated above, which was issued and granted to the aforementioned chapter and canons, be observed, as it dictates, and he requests this in his own name, so that in this Provincial Synod the Most Reverend and Most Reverend Archbishop and Bishop may order that the aforementioned canons and

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the Chapter of St. Stephen be maintained in their peaceful possession, and that nothing be changed regarding the aforementioned union, and the collection and division of revenues, and the powers of electing persons in the aforementioned church of St. Stephen for the archpriestship and primiceriat, according to etc., and that nothing be changed, with all due reverence, regarding the tenor of the aforementioned Bull, and he requests and implores in every possible way." It is added: "The care of souls shall be with the College, ACTA, vol. II, n. 7. — 30-4-910. And the exercise, having been approved, is 20."

[*Latin ed. p. 294*]

294 Acta Apostolicae Sedis. - Commentarium Officiale. To the Reverend Bishop, according to the form of the Holy Council of Trent, from the same College, without Bulls. Provided by the Illustrious and Reverend Archbishop of Capua, concerning the vote and council of the Reverend Bishops present there. In Capua, on November 10, 1577. "With these premises, in order to elucidate the facts, I report that the parish priests of the town of Gallutii insist that they be declared exempt from the obligation of offering Mass for the people, for the following reasons: 'Because the nature of the benefice that each of these parish priests possesses is not of a true parish, according to the Holy Council of Trent (session XXIV, chapter 13, on Reforms), but of a true estate. In other words, the benefice that each parish priest possesses is not originally of ecclesiastical institution. It represents only a prebend of the collective patrimony of the Collegiate Church. To better demonstrate the nature of the benefice, these parish priests present to their Most Reverend Lord the original Bull of Julius II, February 9, 1505... as well as an ancient manuscript of pages and a decision of the Provincial Synod of Capua of November 10, 1577, concerning the nature and character of the Collegiate Church of St. Stephen, which is a College, exercising the office of a Bishop, truly according to the form of the Holy Council of Trent, from the same College, but without Bulls. And from this it is clear that, according to the constitution of the Collegiate Church, the parishes are not independent. In what way, then, should the union with the Collegiate Church of St. Stephen be understood, beyond the fact that the parishes are united, as results from the same Bull, according to which, as the care of souls is collective and unique within the College, so too is the burden, it becomes clear again: a) from the books of Masses, from which the Diocesan registry shows (from 1805 to 1830) that the Masses for the people and for the Holy See were provided by the Chapter, divided among 12 Canons and 4 Distributers, including the Canon-Parish Priests; a distribution that would not have taken place if the parishes had been autonomous and the care not collective; b) from the fact that the book of Masses for the people and for the Holy See is not found in any parish, but only in the Collegiate Church. Because, when the Collegiate Church was suppressed,

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each Canon who was not a Parish Priest received from the State, for the suppressed prebend, an allowance of approximately 200 Lira, and to the Canon-Parish Priests, to whom the current parish priests have succeeded, only the prebend was preserved in virtue of the care of souls. Thus, the 6 parish priests, successors to the 6 Canon-Parish Priests of the Collegiate Church,..."

[*Latin ed. p. 295*]

The Holy Congregation of Councils. 295. Each [parish] possesses that benefice which the Canon Rector possessed, which, being stripped of the choral and liturgical dues, formerly held by the State, yields, after deductions, only 200 *lire* annually, according to the assessment made by the Fund for Worship. Finally, it is fitting to note that, by reason of similarity, in the neighboring municipalities of Mignano, in the diocese of Teano, with approximately 3600 inhabitants, and of Roccadevandro, in the diocese of Monte Cassino, with approximately 3500 inhabitants, there are suppressed collegiate churches, in which, likewise, there was only one cure of souls and a collective Mass for the people; and while in each of these two municipalities the population is equal to that of the municipality of Galluccio, perhaps even greater, the benefice, preserved for the cure of souls, in that of Roccadevandro yields a net income of over 1000 *lire*, and in that of Mignano, over 800 *lire*.

Furthermore, they allege a rescript of the Sacred Congregations and Rites, and a list of Masses, of which the foregoing, from which they contend that the obligation of applying Masses for the people to the collegiate Chapter of Saint-Étienne is inherent, and therefore six parish priests, who are nothing more than removable vicars of the Chapter, should be declared exempt. On the other hand, the Bishop has reason to doubt, because, whatever may be the case with the ancient union, in fact, these six parish priests "have their own *Bulla*," "have their own church with their own revenues, independent of each other in the parochial ministry," "have their own population," and "each is provided with a separate benefice," and "also has the supplement of *congrua*."

Furthermore, it should be observed that it has not been well understood from the words of the aforementioned documents that, through the union of parochial churches, the nature of the collegiate church of Saint-Étienne has been changed, so that from several parishes, only one was to be formed. Indeed, in the *Bulla* of Julius II, the distinction always remains and is repeated between parochial churches and churches without a cure of souls which were united to a collegiate church, and in all cases, it is expressly stipulated: "a provision that, because of the union, annexation, and incorporation of such parochial and without-cure churches, the aforementioned individual churches should not be defrauded of their due obligations, and that the care of souls in said parochial churches should not be neglected in

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any way, but that their customary burdens should be supported."

Regarding the rest, it seems evident that the rescript of the Sacred Congregations and Rites and the list of Masses cited do not pertain to the matter at hand; furthermore, the fact that the parish priests have hitherto not considered themselves obligated to offer Masses for the people, and that this, in the matter under consideration, is a reason to be examined, does not prove that they have not applied them, nor does it constitute an abuse of the obligation; and because custom, although legitimate, does not have force contrary to the decrees of Trent.

[*Latin ed. p. 296*]

296 Acta Apostolicae Sedis. - Official Commentary. Considering these matters, regarding the question: Whether the parish priests of the town of Gallutii are exempt from the obligation of saying Mass for the people in that case; the Most Reverend Fathers of the Sacred Council, in a plenary session on April 9, 1910, judged that the answer should be: It does not appear so. C. CARD. GENNARI, Prefect. L. j$j S. Basilius Pompili, Secretary. S. CONGREGATIO RITUUM SECUNDA. (Seckau). CONCERNING THE USE OF THE CALENDAR FOR THOSE OF THE REGULAR CLERGY WHO ADMINISTER A PARISH. The present Most Reverend Bishop of Seckau, having reverently requested a solution from the Sacred Congregation of Rites, concerning the following question: Whether those of the Regular clergy who administer a parish, whether the parish church is incorporated into a monastery or not, are bound to observe the calendar of their Order in the Divine Office, or whether the diocesan calendar should be observed? And the Sacred Congregation of Rites, after a careful vote by the Liturgical Commission, judged that the following answer should be given to the proposed question: If the parish is incorporated into a monastery or religious house, or if the care of the same monastery or house is permanently or indefinitely entrusted to it, or if a community performs Divine Office within the parochial church, then the calendar of the religious should always be used in the Divine Office; otherwise, the diocesan calendar of the city should always be observed, according to the decrees no. 4051 of the Regular Canons of the Lateran, of February 1910. And thus it was replied, on April 22, 1910. Fr. S. CARD. MARTINELLI, S. R. C. Prefect. L. © S. Petrus La Fontaine, Bishop of Charyste, Secretary.

[*Latin ed. p. 297*]

SACRED ROMAN ROTA OF RAVENNA.

NULLITY OF MARRIAGE OF RINALDI-GENNARI.

During the pontificate of Pope Pius X, on the 19th of January, 1910, the

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Most Reverend Fathers, Doctors Stianelli and Anthony, along with Gustavus Persiani, William Seba Perathoner, Auditors of Tournon, in the cause of the marriage of Ravenna, between Saint Francis Rinaldi and Adam Gennari, with the Defender of the Bond intervening ex officio, rendered the following judgment.

Saint Francis Rinaldi, of the house of Luceria in the Province of Fodiana, who earned his living in Ravenna by working for the Guardia di Finanza, began to frequent the home of Adam Gennari, the daughter of Frederick, and, with her consent, manifested clear signs of his affection. But, this affection, which grew from day to day, exceeded the limits of propriety, and Saint Francis, driven mad by lust, shamefully acknowledged his pregnancy, which resulted from this illicit commerce. In the month of July, 1900, when Saint Francis left Ravenna and went to Barium, at the direction of his superiors, Adam and her parents urgently requested that he hasten the celebration of the marriage he had promised, lest she, with her pregnancy publicly known, suffer damage to her reputation. Saint Francis complied with this request, and on the 8th of August, 1900, he sent a letter, which was followed by another on the 10th of the same month and year, in which he expressed his willingness. And, after both letters, the second in particular, had been examined by the judgment of the Parish Priest and the General Vicar, it was deemed that they expressed the present consent of the writer. Therefore, on the 15th of August, 1900, in the Church of Saint Nicander in Ravenna, the Parish Priest, having been granted permission by the General Vicar, joined the two in marriage.

The man, with the authority of his parents, desiring to contract marriage with another woman, supplicated the Most Holy Prince, having presented a petition, not once or twice, but four times, that the marriage of his with Adam be declared null.

[*Latin ed. p. 298*]

298 Acta Apostolicae Sedis. - Official Commentary. Regarding the matter presented to the Sacred Congregation on October 15, 1905, all that pertained to the law and procedure of the Curia were completed without delay. However, the completion of the process was prolonged, especially due to the difficulties in obtaining testimonies, and numerous investigations at private residences were conducted in various regions; the couple, who resided in different, and even distant, parts of Italia, necessitated the assistance of the Curias of Novara and Messina. Therefore, the records of the process were transmitted by the Archbishop of Ravenna on January 30, 1909, to the Sacred Congregation of the Council, which, since December 26, 1908, had referred the matter to the Sacred Congregation of Sacraments, to which the records of the process were subsequently appended. These records were then transmitted to the Sacred Roman Rota, with prior authorization obtained from an audience with the Most Holy, by decree of

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March 27, 1909. Therefore, after the completion of the proceedings, with a supplementary investigation conducted before the Ecclesiastical Court of Palermo, and with all that was required by law having been fulfilled, the following question is presented for resolution today: Does a nullity of the marriage exist in this case? The facts of the case. — Sanctes Rinaldi wished to consult his conscience, and to preserve Ada's good reputation, discreetly, before her pregnancy became outwardly apparent. Therefore, when it was necessary for Ravenna to depart for Barium, he presented himself, along with Ada herself, before the Vicar General, and, in the absence of the parish priest, requested to be joined in marriage with her. We know this from the parish priest of S. Nicandro, who, when asked by the investigating judge whether he knew that the couple, Rinaldi-Gennari, had appeared before the Vicar General to contract marriage, replied: "Yes, I know; and I learned it from Mons. Beppi, the Vicar, and from the Gennari family." This was confirmed by the Vicar himself, and by Joanna Sarti, the mother of Ada. However, since Sanctes had not obtained this, and could not postpone his departure until the return of the parish priest to the city, on July 12, 1900, with a written obligation signed by himself and countersigned by witnesses, he promised that he would, as soon as possible, in the following month of August, enter into marriage with Ada, and also, after completing his military service, would fulfill the acts required by civil law: "I, the undersigned, declare and obligate myself to marry Miss Ada Gennari as soon as possible, and with all the formalities of the Church, and, upon the expiration of the time, I obligate myself to perform the civil acts. I also obligate myself to complete the formalities of the Church by the end of August." This was also stated by Julio Ricci; for he said that he knew that Sanctes had contracted his marriage with Ada in the following month of August.

[*Latin ed. p. 299*]

299 The Roman Tribunal. Ada was eager to expedite the fulfillment of this obligation, since she could not longer conceal the signs of her pregnancy without damaging her reputation; and therefore, through letters dated July 16th and 19th, 1900, she earnestly implored the Holy See to prepare, as quickly as possible, everything necessary for the celebration of the marriage. "I implore you, if you love me, to hurry " to do what you told me, that is, to have the documents prepared to prove " my state of freedom, which I need in order to marry. I implore you, for charity's sake, " and I ask you, do it as quickly as you can, because you know that I " cannot wait much longer, because it is already known that I am " going to become a mother, imagine " if I have to wait another month." However, from the records, it is not clear that the Holy See responded. It should be noted here that Rinaldo had been subject to a prohibition of marriage imposed upon him by the disciplinary laws of the military, as he was still

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serving in the military; therefore, in order to avoid punishment, he wished to complete everything in secret, respecting the law. " Ada, my dear, do you want " me to marry you in the Church? " Well, I am ready to do so, provided that the religious ceremony " is performed secretly. I want no one to know " that I am marrying you in the Church, otherwise, if my superiors " find out, they will send " me to the disciplinary company" (Letter of April 21, 1900). Then, Ada's father, through a letter dated August 2, 1900, urged the Holy See to fulfill the obligation; indeed, in order to more easily achieve this marriage, and to remove all obstacles, he sent to the Holy See a form prepared by the parish priest of S. Nicandro, for the Holy See to sign, and to return to him signed, expressing consent to the marriage to be celebrated by letter, as the Holy See itself had indicated to Ada, having told her that marriage could be contracted by letter. Also, Julius Ricci, through a letter dated August 7, 1900, more urgently requested the Holy See to not delay the celebration of the marriage and to return the signed form of consent. The Holy See responded to both on August 8th; and to Julius Ricci on the 10th of the same month: through these letters, after the Holy See had returned the form with the consent signed, on August 15, 1900, the marriage of Saint Rinaldo to Ada Gennari was celebrated in the parish church of S. Nicandro in Ravenna, as both had desired. A few days after the marriage was celebrated, Ada went to Bari to be with her husband, where she was received and treated as his wife. Indeed, Rinaldo followed her to Messina, and there they lived together as husband and wife. This marital relationship was maintained for almost six years, although during that time there were very serious disagreements between them, which even led to a criminal action being brought before a secular judge.

[*Latin ed. p. 300*]

Acts of the Apostolic See. - Official Commentary. 300. Finally, influenced by his parents on one side, and on the other, considering the prospect of a marriage with a woman of better standing, Sanctes repudiated Adam and rejected him. Concerning the law. Indeed, although marriage has been elevated to the Sacrament by Christ the Lord, it has not lost its natural character; and therefore, like other contracts, it is perfected by the consent of the parties. Consequently, nothing prevents a marriage from being contracted by letter. And this, both before the Council of Trent, and even after that Council, in those places where the Decree *Tametsi* (Session 24, chapter 1, on the reform of marriage) had not been promulgated, was undoubtedly considered valid, when the letter represented the person writing, expressing his naked consent (L. *mulierem ff. de ritu nuptiarum*). This same doctrine is still held to be true and to be followed in practice, even after the promulgation of that decree, although some may have thought otherwise. Indeed, "in all matters of law, and in resolving less important questions, the general propositions of legal language should not be considered, but rather

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the substance of truth, and the reason or purpose for which the law was enacted and established" (Cardinal De Luca, *Theatrum veritatis et iustitiae*, on marriage, Discourse XVI, Rome). But the purpose that the Council of Trent set for itself is that marriage should be known to the Church and be able to be proven, so that one marriage is not celebrated publicly, and another secretly; and also, so that marriage is not celebrated by anyone other than one's own parish priest (Rota, Florentine, among the Decrees of Menoch, counsel 368, n. 4, and Seraphicus, decision 957, p. 1, line: *Nam praesentia parochi*). This purpose is fulfilled when a letter, read before the parish priest and witnesses, represents the person writing, and expresses his consent in his absence, for the present marriage. Therefore, the form of contracting through a letter is sufficient and should be maintained. Even more so, if it is considered that one should not depart from ancient law without express text, since the correction of the law is odious and to be avoided altogether (L. *Praecipimus, C. de appetitu*). Therefore, the corrective law, by which we are returned to common law, is favorable and should be extended; and thus, every understanding by which we are returned to common law contains favor and should be extended (Gloss. *c. Statum verb. Numerandum de praeb.* in 6), even if it deviates from the proper meaning of the words (See Sanchez, I, *disp.* XII, n. 2, XVII, n. 6; II, *disp.* XI, n. 20). Indeed, by understanding the decree of Trent in such a way that it does not invalidate a marriage contracted by letter, we are returned to common law, by which it was considered valid; and therefore, this interpretation is to be maintained as favorable. This principle is the basis of the doctrine that maintains the valid initiation of marriage by a proxy, and by which we return to common law, and of its.

[*Latin ed. p. 301*]

301 The Roman Rota: Correction is to be avoided, even if the words appear to be somewhat improper; for the absent spouse is considered present through his procurator. Therefore, just as a marriage begun through a procurator is considered valid after the Council of Trent, so too a marriage contracted by letter is considered valid. Nor should it be said that in this case it is not possible for both spouses to be present before the same priest and the same witnesses, as required by the Council of Trent. For, through the letter, not only is the presence of both spouses verified, but also the consent of both parties is sufficiently and abundantly expressed. Indeed, in the new and corrective law, since the number of corrections and excesses is not to be permitted, it is more fitting that the presence of the contracting parties be presumed demonstratively, and not in a restrictive sense, in the conciliatory decree (Cardinal De Luca, *loc. cit.*). And therefore, just as the procurator makes the absent spouse present, so too the letter represents him before the priest and the witnesses. Furthermore, marriage is perfected by the promise of one party without

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any need for a reciprocal promise; for a man cannot be a man unless there is a wife, nor a wife unless there is a husband; hence, it is not necessary that two distinct acts be elicited, one by which a right is given to the other, and another by which that right is received from the other; for one and the same act of giving virtually contains the acceptance, and one and the same act of acceptance contains the giving. Therefore, the letter, which represents the absent party in the making of the promise before the priest and the witnesses, virtually and consequently also expresses the acceptance of the promise by the other party, who accepts the promise represented by the letter. Hence, the Holy Congregation of the Council, on the day of September 30, 1673 (Lib. Decret. S. C. C., vol. XXVIII, p. 184), declared that a marriage begun by letter is valid. Moreover, the Roman Rota, in the case of differing opinions, follows that opinion which is supported by the authority and wisdom of the Most Eminent Fathers, by whom the aforementioned Congregation is constituted (Recens, p. XV, decis. 162, n. 10); and it is to be understood that the determinations of that Congregation must be observed according to the law, as stated in Hond. cons. 36, n. 26, 2; Garz. *de Bene f.* in praef., and therefore the Rota always reverently receives and observes them without any discussion (Recens, p. X, dec. 321, coram Meltio, n. 2, 3; p. XI, dec. 373, n. 1, 2). The rationale for this practice of the Rota is given by Cardinal De Luca (Relat. Rom. Cur., disc. 32, n. 67), who says: "Only the declarations of the Holy Congregations give authority, so that the Rota receives them with greater reverence (although this prerogative is also granted to other Cardinals, just as it is granted to lower tribunals), and in the case of a marriage begun by letter, it receives them from the point of view of law." Therefore, concerning the validity of marriage...

[*Latin ed. p. 302*]

Acta Apostolicae Sedis. - Official Commentary. 302 It is impossible to doubt this; and therefore, those things which the actor's advocate has abundantly refuted to the contrary are entirely superfluous. Therefore, the question of the marriage in this case is entirely a question of fact, namely, whether the Most Reverend Rinaldi has given the consent required by law. Indeed, it is clear from the records that the parish priest of Soprani, on August 15, 1900, joined the Most Reverend Rinaldi, who was represented by Francis of Luceria, to Adam Gennari, daughter of the living Frederick; and since this marriage is favored by the law in Ravenna, so that, upon its admission, its validity will always be maintained as long as nullity is not fully proven, it follows that the marriage, of which we are speaking, as contracted above, must be considered valid, at least as long as the contrary is not proven. Furthermore, there is no reason to doubt the validity of this marriage. Indeed, the Most Reverend Rinaldi wrote in his letter of August 8, 1900: "I swear, with fidelity and with Albert, in the presence of our

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good Lord, to marry Miss Ada of this city." But since these words were not considered sufficiently clear, he made his intention clearer in another letter dated August 10 of the same month and year: "I, the undersigned, declare that I am marrying Ada Gennari, who is from Ravenna, through this letter, and I repeat my letter of August 8th of the current month. Today, August 10th, I swear on the tomb of my father to marry Ada, and I repeat the oath above." Therefore, the Most Reverend Rinaldi clearly demonstrated his intention to marry Adam, through the letter of August 10th, or at that very moment when these words were read before the parish priest and witnesses; for this is clearly indicated by the words used: "I declare that I am 'marrying Ada Gennari who is from Ravenna through this letter,' etc." And this is also made clearer by the circumstances. There are in the records letters of August 8, 1900, and August 10 of the same month and year, in which the Most Reverend Rinaldi responded to the petition made to him by Ada's father, Frederick Gennari, and by Julio Ricci; and since there must be an analogy between the response and the petition, the Most Reverend Rinaldi must be understood to have spoken in the same sense in which Frederick and Julio expressed themselves in the petition. Indeed, both requested that the Most Reverend Rinaldi express his consent in the present, through a letter, so that the marriage could be celebrated. Frederick, in his letter of August 2nd, said: "I intend that you hurry to send this note, which was written by the priest himself. You must go to a parish priest in Bari, who will attest that you accept the marriage with Ada, as this note indicates. Do you believe that Ada can remain in Ravenna in the state in which she is, and before she is married in the Church? I beg you to do this as soon as possible."

[*Latin ed. p. 303*]

The Roman Rota. 303 "as soon as possible. Consider that whoever does the laundry must also dry it." "If you are a proper person and a gentleman, you must fulfill 'your duty'." The tenor of the words is: "Bari, August 3, 1900. With the present letter, I intend to express my current and constant desire to enter into a religious marriage with Gennari Ada, daughter of Frederick, of the parish of St. Nicander in Ravenna. In faith, Sante Rinaldi, son of Firma, of the Parish." Julius Ricci, in a letter of August 7th, to which Sante responded on August 10th, said: "Now I see that you are not giving any thought to sending this letter, which was sent to you, and as we agreed. I implore you to send it as soon as possible, that precise letter that they sent to you. As you know, send it." Therefore, Sante expressly expressed his consent in a letter of August 10th. This is all the more to be noted if a marriage is to be contracted, and it should be noted that the form sent by Frederick to Sante and prepared by the Parish Priest of St. Nicander was requested by Sante himself: "as we agreed, send that precise letter that they sent to you, as you know, send it." He, who otherwise knew that a marriage

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could be contracted by letter, as he himself declared to Ada, who affirms this with an oath: "Rinaldi told me that the marriage could be celebrated by letter; I do not know how he knew." Then, in the same letter of August 10, 1900, Sante sent a message to Julius Ricci, to bring Adam to him in Bari as soon as possible: "I implore you to do it as soon as possible; I want you to accompany her there." Indeed, according to everyone, this could not have happened unless the marriage was first celebrated before the Church. For the Parish Priest, when questioned by the Judge, said: "Can she present testimonies proving the expressed will of Rinaldi to celebrate his marriage with Gennari *before* she leaves Ravenna to go to meet him in Bari?" He responded: "People of the Gennari family and the witness Giulio Ricci have testified to me his firm will." Regarding this matter, Ada's mother, when questioned, said: "I am certain. Sante repeated it to her a thousand times." The same Julius Ricci also affirms it. Therefore, through this letter, Rinaldi intended to contract a marriage, and with this marriage contracted, the order given to Julius Ricci is understood and explained. Finally, the meaning of the letter was understood by everyone, from the circumstances, as a true expression of present consent. The Parish Priest, when questioned by the judge: 1. "In what way did he retain that in the letter, consent to the present marriage was expressly expressed?" He responded: "By virtue of the expressions..."

[*Latin ed. p. 304*]

Acta Apostolicae Sedis. - Official Commentary. 304 « contained in the letters and from the totality of the circumstances ». 2° Question a) Did the bride have knowledge of the letter, and b) could she have undoubtedly known « that the bride interpreted the letter as consent to the present marriage and that she accepted with reciprocal consent? » The response was: « a) Yes, it was read before the altar, by witnesses Giulio Ricci and Giuseppe Ricci, son of Paolo: « b) yes, undoubtedly », she understood the consent to the present and « with reciprocal affection ». 3° Did the witnesses also retain this same understanding? The response was: « Yes, undoubtedly, especially with regard to Giulio, who was entrusted by the groom Rinaldi to later take the bride to Bari ». And here, the witness to the marriage, questioned by the judge, said: « I believed I was going to the Church to witness a true, serious marriage ». It is therefore established that Sanctes, through the letter, intended to contract marriage with Adam, since the letter of August 10, 1900, truly expressed consent to the present; and since no other requirements were lacking, there can be no doubt about the validity of the marriage thus contracted. And Sanctes himself retained this understanding, for not only did Adam receive her and lived with her for six years in marriage, but he also openly declared her to be his wife before God: « If my family knew such a thing, they would not only no longer want to take me in their home, but how much less would they want to

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see that woman, who before God is my wife » (Letter, October 15, 1900). It cannot be said, with the actor's counsel, « that the consent which was present on August 10 could no longer be manifested as present before the priest and two witnesses on August 15 ». For the consent which was expressed on August 10, not having been revoked, persevered virtually, just as a mandate not revoked, despite the passage of time, virtually perseveres: and this is sufficient for the letter of Sanctes on August 15 to have the same efficacy that it would have had on August 10. Indeed, consent that perseveres virtually is sufficient for all human acts, not excluding marriage; for delay in the act does not constitute an impediment to the validity of the same stipulation, provided that the consent of one party has not been revoked at the time that the other consents. This also applies to marriages celebrated after the Council of Trent, « when one party consents before the priest and witnesses, with the other party saying nothing, and after 15 days, before the same priest and the same witnesses, in the presence of the same contracting party, he who previously remained silent consents, there will be marriage, because it endures by virtue of the previously expressed consent » (Sanchez, II disp. 32, n. 17). Nor does the omission of formalities constitute an impediment, since these are used in marriages that are ordinarily performed; their omission does not cause nullity.

[*Latin ed. p. 305*]

Roman Code of Canon Law, book 3, section 5. Let the following serve as examples: clandestine marriages celebrated before the publication of the decree "Ne temere" on August 2, 1907; and those which, even now, are celebrated in the face of imminent danger of death, to legitimize offspring, and to provide for the dying man's conscience, in which all formalities are omitted, and yet, when the Tridentine form has been observed, "no one has ever doubted their validity." But Rinaldi disputes all of this and swears: 1. That he never had the intention of marrying: indeed, a) Ada herself declared that military law forbade him from marrying; b) after the conception, he requested to be transferred to another place to avoid trouble; c) he could have, if he wished, remained, or returned to this place, without writing a letter; d) he either did not respond to, or responded evasively, to repeated requests from Ada or her parents. All of these things lead one to presume an intention contrary to marriage. Hence: 2. In letters dated August 8, 1900, and August 10 of the same year, he feigned consent, and, through deceit with Ada, he sought to deceive her aging father: as he did before the Vicar General, using the same pretense, when he requested to be married by him: "I called him aside... and I revealed to him that I had no intention of marrying Ada Gennari." But, external consent duly given is always presumed to be true, unless the contrary is clearly proven. But it is not fully proven that what the Saints affirms weakens the consent given; rather, the contrary is proven. Regarding the intention of marrying, which

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the Saints says he never had, the arguments presented thus far demonstrate the falsity of this affirmation; rather, they undoubtedly establish the real and continuous existence of this intention. Nothing presented contradicts this; from it, one can only derive conjectures and presumptions, which must yield to the truth most clearly demonstrated by positive arguments. Specifically and directly: a) The opposite result is derived from the letters of April 21, 1900, and from the written obligation of July 12, 1900, to which another obligation was added on May 17, 1902, which ratified and confirmed the previous one; b) The transfer was not requested by the Saints; for he confesses that he greatly feared that his family would secretly take action to prevent his marriage to Ada, and that he was transferred against his will: "The delay of my superiors makes me a martyr; it kills me, and I doubt that, perhaps, supposing that we want to do what we are doing, they have cooperated in my transfer, but they will never write to me again, only when I am far from Ravenna" (Letter of June 24, 1900); c) The Saints himself proposed to Ada,

[*Latin ed. p. 306*]

306 Acta Apostolicae Sedis. - Official Commentary. d) The marriage of the Saints was of concern to the Holy See; he secretly contracted the marriage by letter, lest he be punished by his Superiors for violating military discipline (Letter of April 21, 1900); and this explains why he did not wish to celebrate the marriage in the ordinary form, and why he did not care to observe the formalities required, being content to express himself in a letter of August 10, which was written in the form suggested by the parish priest of St. Nicander, retaining only the substance, as Ada had suggested to him: "Swear to me on a piece of paper, as those that you write to me for yourself alone, 'without going to your parish priest'." e) Despite repeated requests from Ada, her father, and the friend Ricci, he did not refuse an answer, but only delayed it; for not only did he respond to them on August 8 and 10, 1900, but he also clearly expressed his willingness to celebrate the marriage. And there was a reason for the delay; for the financial condition of the Saints was not so prosperous as to allow him to provide for the needs of a family. This is deduced from the letters of Frederick Gennari, dated August 2, 1900, and of Ada Gennari, dated July 19, 1900, sent to the Saints, and from the letter of the Saint himself, dated October 15, 1900, sent to Frederick: "When I am leaving, I must tell my brothers, give them food, clothe them, and pay for their lodging, both to me and to my wife, if I were living off an income, I would not have asked you for the 15 lire a month. Understand, this is a fiction." However, the allegation of "simulation" is unfounded. For "the truth of an act, resulting from a public instrument, or from other evidence, even conjectures, is not invalidated by any agreement to simulate between the parties... A simulated act, if celebrated for a true and real cause, cannot be considered as a simulation" (Rota, In sum. decis.

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591, par. XVIII, vol. II, n. 7 et 11). But the marriage in question was entered into for a true and real cause; for it was entered into to fulfill an obligation, which arose from an illicit transaction, solemnly confirmed by a written agreement on July 12, 1900, which was to be fulfilled as soon as possible, and no later than the following month of August; and which was fulfilled on August 15. Therefore, the marriage cannot be considered a simulation. The prosecution appeals to a certain letter written by Ada and recognized by her: "Saint, I do not beg you on my knees, if you do not want to marry me in church, swear to me on a piece of paper, as those that you write to me for yourself alone, without going to your parish priest, at least so that we can have it read to my father, so that he knows that you have married me." But since this document is incomplete, and even the date is missing, and the full meaning cannot be understood from the entire context of the writing, it lacks probative value. Firstly; but then it must be said that the letter of August 10, 1900, was addressed not to Ada, but to Giulio Ricci, in accordance with his expressed request of August 7.

[*Latin ed. p. 307*]

307. The Roman Court. Since the petition must be analogous to a case where true consent is required, the aforementioned letter of August 10th, it follows, excluded any fabrication. Furthermore, Ada herself, in the celebration of the marriage, most urgently and seriously requested that true consent be expressed, both verbally and in writing, especially in the letters of July 16th and 19th, 1900; but when the Holy See delayed, and the danger of her defamation loomed, pressed by anxieties, she considered simulation as a last resort, if she could not otherwise avoid the stigma of infamy. The Holy See first and principally accepted, and expressed this in the letter of August 10th; while the defender of the actor did not in any way indicate that the other party had chosen him. The fabrication of consent is not supported by a better fate before the Vicar General, for here, when questioned by the judge, as to whether Rinaldi had shown a true intention of entering into marriage with Ada, he replied: "It seems to me that the visit of which I spoke above was directed to this purpose, because he complained that the parish priest was absent, and that he had to leave; I have never made it my habit to substitute for the parish priest. I assure you that it is not within his authority, and therefore I am quite certain that, even if requested by the aforementioned to assist at their marriage, I would have refused"; these words would not have been given if, as insinuated by the Holy See, there had been a secret confidence, rather than an expressed plea to find a pretext for opposing the marriage, which was truly the case. "When I went to see him with Gennari, I called him aside and told him that it was not my intention to marry Gennari, and at the same time I asked him to find some reason to make me leave for Bari before she married him." Finally, the Holy See presents in the records the fabrication of consent to enter into

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marriage with Ada. But the affirmation of no actor is sufficient to declare the marriage null, when, as in this case, the affirmation is not concluded by proof. Furthermore, the Holy See should not consider the affirmation, because it is discovered that the Holy See has lied in many respects: having omitted others, he certainly lied more when he affirmed before the judge under oath, that he had violated the faith of the marriage: "after two or three days he showed me the marriage certificate and I tore it up," in order to exclude that he had received Adam as his wife; indeed, this faith was consigned to the Panormitano judge, and is preserved in the records. The defender seeks to cleanse the Holy See from this lie, claiming that Adam is the one who appears to be lying, saying: "The defender should rather have investigated how Ada could have had that marital faith, at least on that day, while the parish priest testifies that he did not grant that faith until three months after the permission of the Ordinary for a good reason."

[*Latin ed. p. 308*]

Acts of the Apostolic See. - Official Commentary. 308, "to defend the reputation of Adam." However, this is not entirely accurate. Firstly, the parish priest is not correctly understood to have sworn that he did not grant permission for the marriage except after three months with the approval of the Ordinary; but in 1905, Adam requested that the Holy See manifest the facts in order to protect his honor, and, with the permission of the Vicar General, the latter authenticated copies to be delivered to the Superiors of Rinaldi and transmitted them on September 13, 1905. Furthermore, it should be known that the parish priest granted three dispensations for marriage: the first on January 1, 1905; and the third on August 15, 1900; the second, for the celebration of the marriage, was granted in September 13, 1906. Indeed, the marriage certificate presented by Adam, and allegedly falsified by the Holy See, is the one that was granted by the parish priest on August 15, 1900, which Adam kept with him, so that he would not appear to be a suspicious man; and this later date is evident in the records, and the integrity of the certificate is preserved. The marriage certificate to which the parish priest refers, and to which the plaintiff's patron appeals, is the one that was granted in September 1905. Therefore, the Holy See is not absolved of falsehood, and, on the contrary, Adam is not proven guilty of this crime, since he testified truthfully. Furthermore, the Holy See rejected Adam in order not to displease his family and in order to enter into a relationship with a woman of better standing. Regarding the cause of this separation, the parish priest, questioned by the Judge, explained as follows: "Because another girl tried to marry him in Lucera. Another reason could be the discontent of the family." This is confirmed by Adam: "The relatives of Rinaldi did not want him to marry me, because without a dowry, he turned his affections towards a certain Catherine Coretti"; but Rinaldi himself openly admits: "Not only did my family not want to take

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me into their home, but they did not even want to see that woman," and on February 14, 1904, he requested from the Lucera court the transmission of the records for the purpose of contracting marriage with another woman. And very serious are the threats made by a certain brother of the Holy See in a letter dated February 27, 1901, in the name of the family: "Concezio has sworn that if you do not immediately make her return to Ravenna, he will inexorably ruin you." While Catherine Coretti and Agatha in Agde, in the province of Novara, await the outcome of this judgment, the celebration of her marriage with Rinaldi hangs in the balance. Having carefully considered all these matters, We, the undersigned Auditors from Tournon, invoking the name of Christ, sitting for the Tribunal and with only God before our eyes, decide, declare, and sentence that there is no proof of the nullity of the marriage in this case, or that the doubt is resolved: negatively, we respond. We condemn the Holy See Rinaldi to pay the costs, the taxation of which We reserve to Ourselves or to whom it may legally belong.

[*Latin ed. p. 309*]

Secretariat of State. 309 Thus we pronounce, commanding the Ordinaries of the places and the ministers of the Tribunals, to whom it pertains, that they proceed against those who resist, according to the norms of the Holy Canons, and especially c. 3, session XXV, concerning the Reform, of the Council of Trent, employing executive and coercive means, which will be more effective and appropriate for the circumstances. Rome, on the 19th of January, 1910. Gustavus Persiani, L. j${ S. Ponens. William Sebastianelli. Anthony Perathoner. Sac. Tancredes Tani, Notary. SECRETARIAT OF STATE LETTER. I. TO R. D. ACHILLES RATTI, ADJUNCT AMONG THE ORDINARIES OF THE PONTIFICAL AND AMBROSIAN HOUSE AND PRESIDENT OF THE LIBRARY, CONCERNING THE VOLUME PUBLISHED TO COMMEMORATE ANTONIUS CERIANI AND PRESENTED WITH REVERENCE TO THE MOST BLESSED FATHER. Furthermore, you have accomplished a deed which admirably adorns both the illustrious memory of your predecessor and your own, as well as that of the other most excellent authors of this work. Indeed, the volume which you sent to the Most Blessed Father, destined to commemorate and celebrate the memory of Antonius Ceriani, easily accomplishes both. It is pleasing to behold within it the highest praise of the most desired President of the Ambrosian Library, a praise testified by the very arts which he himself fostered with tireless effort and wonderfully promoted. It is pleasing to behold simultaneously the highest dedication and the utmost respect with which the most illustrious and most learned men held him in esteem during his life, a man whom they loved and honored with almost singular

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devotion. ACTA, vol. II, n. 7. - 30-4-910. 21

[*Latin ed. p. 310*]

Acta Apostolicae Sedis. - Official Commentary. 310 The volume, sent as a gift, also testifies to your piety towards the Most Blessed Father, whom you wished to delight with the most pleasing memories of a pious and learned priest, and with your own kindness. His Holiness gladly embraces this sentiment, and reciprocates with the Apostolic Blessing, desiring to enrich and strengthen you with heavenly gifts. With the due observance that is fitting, I attest this to you in Rome, on the 1st of April, 1910. Most devotedly, R. CARD. MERRY DEL VAL. L. © TO THE ILLUSTRIOUS M. KELLER, COUNT, PRESIDENT OF THE CATHOLIC COMMITTEE FOR THE DEFENSE OF RELIGION, REGARDING THE ANNUAL REPORT ON THE WORKS CARRIED OUT BY SAID COMMITTEE. I have taken the liberty of bringing to the knowledge of the Holy Father the very interesting annual report on the works of the Catholic Committee for the Defense of Religion, which you have kindly sent me. His Holiness was greatly pleased to note all the good accomplished through your personal efforts and those of your devoted collaborators. The numerous legal consultations provided, the treatises, brochures, and bulletins published and widely disseminated, and especially the highly effective propaganda resulting from the 500 popular conferences organized by you, are manifest proof of the zeal and activity of the Committee that you preside over so admirably, inspired by the examples of your illustrious father. The Supreme Pontiff, who a few months ago was pleased to express his high satisfaction to you, on the occasion of the speech you delivered at the annual assembly of the Society for Education, earnestly hopes that the continuation of your efforts will greatly contribute to bringing Catholics together and organizing them in the religious sphere, while also guiding them, with perfect discipline, towards the path of ultimate success.

[*Latin ed. p. 311*]

Secretariat of State. As a sign of His paternal benevolence, the Holy Father wholeheartedly grants to you, to the members of the Committee, and to your endeavors, the Apostolic Blessing. I beg you, Sir, to accept the expression of my sentiments of high esteem and complete devotion in Our Lord. April 13, 1910. R. CARD. MERRY DEL VAL. L. © S. III. TO THE ILLUSTRIOUS M. ALOYSIUS DURAND, PRESIDENT OF THE UNION OF RURAL AND WORKERS' MUTUAL AID SOCIETIES, CONCERNING THE REQUESTED APOSTOLIC BENEDICTION. It is with a sweet consolation that the Holy Father received the petition, transmitted and recommended by the Most Reverend Bishop of Nantes, in which you finally express to His Holiness the desire to receive His blessing and encouragement for your Union of Rural and Workers' Mutual Aid Societies, to which you

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are increasingly imparting a distinctly Catholic character, inspired by your faith and based on the instructions of the Holy See regarding social matters. You rightly desire that the methods of social action, truly capable of achieving great good through the management of economic interests and the formation of the pernicious principle of secular neutrality, resolutely depart from the religious and acquire a character of precision and clarity, within a disciplined union. Indeed, it is in vain that one would claim to restore society and the well-being of peoples if one does not place at the foundation of social action the inspiration of Religion and Christian charity. The Holy Father learned with great interest that your Union includes groups that can serve as very effective models for others, both in terms of religious organization and economic organization.

[*Latin ed. p. 312*]

Acta Apostolicae Sedis. - Commentarium Officiale. 312 Sanctitas Vestra laudatur praesertim pro usu auxiliorum supernaturalium, praesertim practica retractorum, quae, in aliis temporibus, miracula fidei et sanctificationis gessunt, perfectionem Christianam vitae personalis ad vitam familialem et socialem radiantes. Summum Pontificem corde afflatum, Vobis, cum benedictionibus et hortationibus, Apostolicam benedictionem transmittere vult. Die 17 Aprilis 1910. R. CARD. MERRY DEL VAL.

[*Latin ed. p. 313*]

Diary of the Roman Curia. 313 DIARY OF THE ROMAN CURIA, SACRED CONGREGATION OF RITES. On May 3rd of the present year, at the Most Reverend and Most Reverend Lord Cardinal Domenico Ferrata, Promoter of the Cause, there will take place the Preliminary Congregation concerning the virtues of heroic degree of the Venerable Marcellino Giuseppe Champagnat, Priest of the Society of Mary, Founder of the Institute of the Little Brothers of Mary.

SECRETARY OF STATE. By the grace of His Holiness, through a communication from the Secretary of State, the following appointments have been made:

April 19, 1910. – The Most Reverend Lord Cardinal Sebastiano Martinelli, Protector of the Society of the Holy Child Jesus of Mayfield in Sussex (England) and of the Sisters of Charity of the Incarnate Word of St. Anthony in Texas.

His Holiness, with benevolence, also through a communication from the Secretary of State, has graciously appointed Consultors to the Sacred Congregation of the Discipline of the Sacraments:

April 20, 1910. – Reverend Father Federico Fofi, Regular Canon of the Lateran Basilica; – Monsignor Giovanni Willemsens, formerly professor at the University of Leuven; – Reverend Father Placido Angelo Rey Lemos, of the Franciscan Order of the Leonine Union; – Reverend Father Carlo

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Maria Giuseppe Lotter, of the Congregation of the Most Holy Redeemer; – Reverend Father Arturo dirotte, professor of Dogma at the University of St. Apollinare; – Reverend Father Giuseppe Civra, of the Order of the Servants of Mary.

[*Latin ed. p. 314*]

314 Acta Apostolicae Sedis. - Official Commentary. The Holy Father, through a note from the Secretariat of State and a Brief, deigned to appoint: Domestic Prelates of His Holiness: April 5, 1910. — Reverend Canon Professor Lorenzo Lauri, Substitute of the Regent of the Apostolic Chancery, of the diocese of Rome. April 7. — Reverend Monsignor Giuseppe Sardi, Archpriest and Vicarious Forane in S. Damiano d'Asti. HONORS His Holiness, through a note from the Secretariat of State and a Brief, deigned to bestow the following honors: The Grand Cross of the Order of Pius: April 2, 1910. — Mr. Hakki Pacha, Grand Vizier of the Ottoman Government. The Grand Cross of the Order of St. Gregory the Great, military class: April 6, 1910. — Mr. Enrico de Himmel-Agisburg, retired General in the Austrian army, residing in Bressanone. The Commanderate of the Order of St. Gregory the Great, civil class: March 22, 1910. — Mr. Mehemed Alì-Aimi, Governor of Syria. Knighthood of the same Order, civil class: March 22, 1910. — Mr. Edgardo Geoffroy, consular agent in Syria. March 31. — Mr. Francesco Prokisch, Director of the branch of the Austro-Hungarian Savings Bank in Csanád. April 2, 1910. — Mr. Alfredo Lacombe, of the archdiocese of Lione; — Mr. Arturo Doal, General President of the Pious Catholic Youth in Amiens. Knighthood of the Order of St. Sylvester: March 30, 1910. — Mr. Milone Andreewitch. April 7, 1910. — Mr. Raffaele Latronico, of the diocese of Policastro. April 8. — Mr. Engineer Ernesto Galeazzi, of Torino.

[*Latin ed. p. 315*]

Diarium Romanae Curiae. 315

FROM THE PAPAL HOUSEHOLD

By the Grace of God, His Holiness, through a letter from His Excellency, Monsignor Maggiordomo, has deigned to appoint:

Secret Chamberlains, extraordinary:

April 6, 1910. — The Reverend Father Giovanni Freiseisen, of the diocese of Bressanone;

April 12. — The Reverend Father Alessio Amadio, of the archdiocese of Udine.

April 15. — The Reverend Father Antonio Saverio de Paira, of the diocese of Parahyba;

— The Reverend Father Francesco Saveriano de Aranjo, of the same diocese;

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— The Reverend Father Andrea Werdenich, of the diocese of Giavarino;

— The Reverend Father Ansgaro Borsiczky, of the same diocese;

— The Reverend Father Adalberto Berkij, of the same diocese;

— The Reverend Father Michele Takáts, of the diocese of Vacia.

April 18. — The Reverend Father Francesco Sass, of the diocese of Rosnavia.

Secret Chamberlains of Sword and Cape, extraordinary:

April 11, 1910. — The Noble Count des Enffans d'Avernas, of the diocese of Secovia.

April 12. — The Noble Viscount Giorgio Vilain XIV.

Honorary Chamberlains in Peacock Blue:

April 6, 1910. — The Reverend Father Giovanni Raffi, of the diocese of Bressanone;

— The Reverend Father Federico Moli, of the same diocese.

April 15. — The Reverend Father Domenico Abrade, of the archdiocese of Turin.

Honorary Chamberlains of Sword and Cape, extraordinary:

April 12, 1910. — The Reverend Raimondo Leonarte Olmos, of the archdiocese of Valencia.

[*Latin ed. p. 316*]

316 Acta Apostolicae Sedis. - Commentarium Officiale. Capellano d'onore extra urbem: 15 Aprilis 1910. — Dom. Zoltáno Viz, ex dioecesi Vaciae. Capellanus secretus d'onore: 18 Aprilis 1910. — Dom. Giovanni Payer, ex dioecesi Rosnaviae. NECROLOGIUM 15 Aprilis 1910. — Dom. Remigio Guido Barbieri, ex Congregatione benedictina Cassinensi, Episcopus titularis Teodosiopolis et Vicarius Apostolicus Gibilterrae (Gibraltar). Mens Aprilis. — Dom. Antonio Emanuele de Castilho Brandao, Episcopus Alagóas.

[*Latin ed. p. 317*]

Year II. - Volume II. May 15, 1910. No. 8. ACTA APOTOLICAE SEDIS. OFFICIAL COMMENTARY. ACTS OF POPE PIUS X. APOSTOLIC LETTER. I. TO THE CHAPLAINS OF THE BASILICA OF LOURDES, IN THE DIOCESE OF TARBIENSIS, CHORAL INSIGNIA ARE GRANTED. POPE PIUS X. For the perpetual memory of the matter. – From the Basilica of Lourdes, erected and adorned within the boundaries of the Diocese of Tarbiensis, a magnificent structure in honor of the Immaculate Blessed Virgin, from which celestial graces seem to flow perpetually to the entire world. Innumerable crowds of the faithful flock here, imploring the help of the Virgin, with such fervent devotion that it appears that the religion of the ancient Christians is being revived there. Therefore, since this temple is rightly and

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justly counted among the most important sanctuaries of the Catholic name, we consider it fitting to grant the clergy who serve in the same Basilica with special choral insignia, so that they may, at the same time, more and more win the favor of the Christian people, and that their very attire may reveal how much they surpass others in amplitude and dignity. When the venerable brother Francis Xavier Schoepfer, Bishop of Tarbiensis, presented this proposal to Us, and the Prefects of the Congregation of Sacred Rites, burdened with the grave duty of recommendation, having considered the matter, we deemed it fitting to grant their wishes with a willing heart. Therefore, with certain knowledge and mature deliberation, and by the fullness of Our Apostolic power, We grant, in perpetuity, that...

[*Latin ed. p. 318*]

Acts of the Apostolic See. - Official Commentary. 318. The titular chaplains of the Basilica of the Most Holy Virgin Immaculate, commonly called Lourdes, located within the boundaries of the diocese of Tarbes, who are now and forever existing, may wear the black cassock with biretta, or the rochet, and also over it, a black silk mozzetta with a lining, and with ocelli, tassels, and fringes of violet color. We also grant that they may wear a blue cord hanging from the neck, with a medal depicting the image of the Virgin of Lourdes on one side, and our own image on the other, with the inscription: "Pius X, Supreme Pontiff, granted this, with the consent of Francis Xavier Schoepfer, Bishop of Tarbes, at the completion of the Jubilee Year of the Apparition, 1909." Furthermore, we grant that the titular chaplains of the aforementioned Basilica of Lourdes may wear these insignia within the limits of the diocese of Tarbes. However, priests who are not part of the diocese, for the honor of the Most Holy Virgin of Lourdes, that is, non-diocesan priests, with the approval of their Ordinary, may be appointed by the venerable Bishop of Tarbes to this dignity without limitation of number, and may only use the vestments and insignia granted to the regular chaplains serving in the aforementioned church in the town of Lourdes. We declare that these present letters shall always exist and be valid and effective, and shall have their full and complete effect, and shall fully suffice for those to whom they apply, now and in the future, in all things and through all things, and that in the aforementioned matters, any judgments or decisions made by ordinary or delegated judges shall be considered valid, and if otherwise, shall be deemed void and of no effect, and that nothing, by any authority, knowingly or unknowingly, shall be done to contravene these. Notwithstanding any Apostolic Constitutions and Ordinances, and any other contrary provisions whatsoever. Given in Rome, at St. Peter's, under the Fisherman's Ring, on the 1st day of July, 1909, in the sixth year of Our Pontificate. R. L. ffc S. CARD. a MERRY DEL, Secretary of State. II. TO THE ASSOCIATION OF PRIESTS IN HONOR OF THE MOST HOLY HEART OF JESUS, ARE GRANTED PLENARY AND

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PARTIAL INDULGENCES IN PERPETUITY. PIUS PP. X. For the perpetual memory of the event. — We have learned with joy that the Association of Priests in honor of the Most Holy Heart of Jesus has been spread in many dioceses, an association of secular priests, founded by the Most Holy Heart itself, now...

[*Latin ed. p. 319*]

The Acts of Pope Pius X, 319, state that, with the consent of the Ordinaries, this association is established for the purpose of increasing, day by day, devotion to that principle of divine charity and its source, and of offering frequent acts of love and reparation to It. Therefore, in order that this association may receive greater growth in God, we generously enrich it with the heavenly treasures of the Church, having received the prayers of our beloved son, Leo Dehon, the esteemed Director of that Congregation. Wherefore, confident in the mercy of Almighty God and in the authority of the Blessed Apostles Peter and Paul, we grant to all and each priest who shall join this association in the future, on the first day of their entrance, if they are truly penitent and have confessed, a plenary indulgence; and likewise, to those who, having been described as such, shall receive the Holy Communion, or, if they are unable to do so, shall have invoked the name of Jesus with their mouth, or, if they cannot, with their heart, and who shall patiently accept death as the punishment for sin from the hand of the Lord, also a plenary indulgence; and likewise, to those members who are now and for the time being present, who are also truly penitent and have confessed and received Holy Communion, who shall have devoutly visited the church or public oratory on Fridays after the octave of the Most Holy Body of Christ, and on the feasts of the Immaculate Heart of Mary, of Saint Joseph, her most chaste Spouse, of Saint Michael the Archangel, and of Saint John the Apostle and Evangelist, from the first vespers, and also on all other Fridays that occur in the first days of each month, from sunrise to sunset on those days, and who shall there pour forth pious prayers to God for the concord of Christians, for the extirpation of heresies, for the conversion of sinners, and for the exaltation of the Holy Mother Church, we likewise grant to them, on that day, a plenary remission and forgiveness of all their sins, mercifully in the Lord. Furthermore, to these same priests who are members, who shall have fulfilled a formal act of charity and reparation towards the Most Holy Heart of Jesus, we grant seven years and seven quarantines; and whenever, with this same spirit of love and reparation, they shall perform any act of piety, we remit three hundred days from the penitences enjoined upon them or from any other debts, in the usual form of the Church. We also grant, mercifully in the Lord, that all these and each of these indulgences and remissions of penances may also be applied for the souls of the faithful detained in Purgatory, as a suffrage, except for the plenary indulgence that can be obtained at the

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hour of death. In opposition to all opinions, this remains valid forever. We decree that these present letters, or printed copies thereof, be signed by the hand of a public notary and sealed with the seal of a person constituted in ecclesiastical dignity.

[*Latin ed. p. 320*]

Acta Apostolicae Sedis. - Official Commentary. 320. With the same faith that would be applied if they were present, and the things were exhibited and shown. Given in Rome, at St. Peter's, under the Fisherman's ring, on the ninth day of April, 1910, in the seventh year of Our Pontificate. By special mandate of the Most Holy Father, Pope Pius X, Pope of Rome, CARD. MERRY DEL VAL, Prefect of the Sacred Congregation of the Holy Office. III. TO D. MARIAM STILTZ, GENERAL SUPERIOR OF THE SOCIETY OF THE DAUGHTERS OF ST. FRANCIS SALES, THE HOLY FATHER IS PLEASED WITH THE GROWTH OF THIS SOCIETY AND DESIRES THAT IT INCREASE AND FLOURISH DAY BY DAY. PIUS PP. X. Beloved daughter in Christ, greetings and apostolic blessing. — Among the most important duties of the pastoral office with which We are daily occupied, it is most pleasing and delightful to Us to promote, with all our effort and with all the resources that the Most High has bestowed upon Us, the spiritual well-being of the faithful, and to assist souls, so that they may strive day by day to follow a more perfect way of life and to aspire to holiness, which is the most precious pledge of the Christian Church. Undoubtedly, religious life is particularly directed towards this ultimate goal of perfection; a life which the Church, founded and fostered by the divine Founder, has established and willed to be based on the profession and practice of the vows of chastity, poverty, and obedience, under a certain rule. But since, as is clear from Holy Scripture, many are called, but few are chosen, and not all are given the opportunity to embrace religious life, which is for the few, and since, moreover, all men, in their own way, ought to strive for their own perfection, to which they are invited by God Himself, it follows that We, who fulfill the duties of the Eternal Shepherd on earth, must also, as far as we are able, promote those institutions which, although they do not pertain to religious life, nevertheless pave the way for the faithful to attain virtue more easily. Indeed, besides the religious life itself, there exist associations, confraternities, and societies of the third order, which the Church fosters, approves, and celebrates as being most useful for spiritual edification; for through these, the minds of the faithful are directed towards a certain path leading to eternal salvation. Among these associations, which have deservedly earned the best names in sacred matters, honor -

[*Latin ed. p. 321*]

Acta Pii PP. X. 321. That association holds a most excellent place, to

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which you, beloved daughter in Christ, preside with such dedication. This fruitful association was founded in Paris in the year 1872 by the pious priest, Henry Chaumont, and by a woman to whom, recently, we decreed the title of Venerable Servant of God, namely, Barbara Carolina Colchen Carré de Malberg. They chose as their heavenly patron Saint Francis de Sales, Bishop of Geneva, that most illustrious saint who, above all others, understood the spirit of true piety and made it accessible to the nations. This association not only admits virgins and widows, but also married women, and this distinguishes it completely from all religious congregations. The twofold aim of this society is the sanctification of each member and constant apostolic activity, which perfectly correspond to the deepest desires of Our heart. To more fully achieve these aims, the association uses methods that are both effective and legitimate. And indeed, much contributes to the sanctification of each member: the examinations, or rather, the methodical reviews, in which, under the direction of an ecclesiastical man, the fundamental virtues of the Christian life are successively presented to each member for a period of time, so that the members themselves may examine them fully according to the true and legitimate sense of the Church, and thus, through diligent effort, gradually strive to correct any defects they may discover. As for the apostolate, it primarily consists of giving good examples within the domestic walls to relatives and neighbors; then, of performing pious works that benefit those nearby, even those who reside in distant lands and on the sea. These works, which are too numerous to list, are of various kinds, but are adapted to the needs of the places and people. The practice of these works makes all members, as they should be, worthy and devout co-workers of the clergy, both in imparting catechesis, in defending the faith and morals, in alleviating temporal needs, and finally, in fostering the spirit of Christian life. From its very beginnings, the society has had a remarkable number of members. This singular frequency of members, the auspicious spread of the society itself, the most evident support of the Holy Fathers, who praise the society with due commendation and recommend its usefulness and suitability to Us in the most eloquent terms, all these things wonderfully testify that the spirit of God has truly presided over the founding of this society, and that this same spirit still openly perseveres and flourishes within it. Therefore, We cannot refrain from offering due thanks to God for the many salutary fruits that this association has produced.

[*Latin ed. p. 322*]

322 Acta Apostolicae Sedis. - Official Commentary. We have observed until this day the progress made, and we entertain a hope that is almost certain, that it will continue to flourish from day to day, and that it will bring forth even greater blessings in the future. Therefore, we earnestly exhort all members, individually and collectively, with paternal solicitude,

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to strive to persevere in their original fervor, to show due obedience to their superiors, and to exemplify modesty and humility. And if the calling of the religious life does not suit some, nevertheless it is pleasing to God, and therefore worthy of our Apostolic approval, and therefore it should be most dear to all members. May an ever-increasing number of pious souls join this association, who, although prevented from embracing the religious state for various reasons, are nevertheless called to a better life and who will diligently seek suitable means to attain their desired end. May this army, composed of Christians, be formed, whose weapons are prayer and sacrifice, whose distinctive badge and proper instrument is the salvation of souls, for the greater glory of God. Let those souls who are imbued with this spirit in this association be certain that they live in the spirit of the Church, and that they are most welcome to us, and that they bring great solace to the Sacred Heart of Jesus, fulfilling our will. In order to signify this, we decorate this pious association, the Daughters of St. Francis de Sales, and we entrust the inscriptions of this association to the wise and prudent guidance of the Bishops, so that they may find certain, vigilant, and moderate leaders and guardians for each. Then, to the entire association, to which you, beloved daughter in Christ, dedicate so much effort and care, and to you, and to all your sisters and the guiding priests, we impart our apostolic blessing, earnestly invoking the favor of heavenly gifts. Given in Rome, at St. Peter's, under the Fisherman's Ring, on the 13th of April, 1910, in the seventh year of Our Pontificate. By special mandate of His Holiness, Pope Pius X, of blessed memory.

† S. CARD. a MERRY DEL VAL, Secretary of State.

[*Latin ed. p. 323*]

323. Acts of Pope Pius IX. IV. The parish church of the town commonly called "Bonsecours," in the diocese of Tournay, is adorned with the title of a minor basilica. POPE PIUS IX. For the perpetual memory of the matter. — Those temples of God, which, whether through their antiquity, the images of the Saints they contain, or the great devotion of the faithful, are celebrated, We, with the utmost honor and privileges, according to the custom and the will of the Roman Pontiffs, enrich and adorn. Among these, the sacred edifice deserving of mention is that located in the town commonly called Bonsecours, within the boundaries of the diocese of Tournay, which, since the year 1637, has been built in honor of the ancient and celebrated image of the Virgin Mary of Good Help, and has given its name to that town. Since, day by day, an ever-increasing number of the faithful, both from Belgium and from neighboring regions of Gaul, have come to seek the help and blessings of this Mother, the temple itself was, shortly thereafter, expanded to a larger form. Finally, in the year 1895, a new building, entirely erected, of such magnitude and so richly adorned with works of art, succeeded the old one, so that it justly deserves to be counted among the most

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distinguished monuments constructed in the Kingdom of Belgium in the preceding century. Moreover, this sacred temple, so abundantly furnished, is not lacking in a numerous clergy, worthy of respect, who, together with the parish priest, are devoted not only to divine worship, but also to the spiritual well-being of the Christian people. Furthermore, Our Predecessors, the Roman Pontiffs, having celebrated this church, and Pope Pius IX, for the lasting memory of the matter, having established, in the same year 1872, a sodality under the title of the Blessed Virgin of Good Help, and having raised it to the rank of archsodality, granting it the power to incorporate other sodalities of the same name within the boundaries of Belgium. We ourselves, drawn by devotion to this most ancient and renowned image, decreed, through Our letters dated March 4th and 20th, 1905, that it should be solemnly crowned with a golden diadem. Since these things are so, and having graciously accepted the prayers of the venerable brother Charles Gustav Walravers, Bishop of Tournay, We, with a willing heart, enrich this Marian temple with a new and honorable title, and adorn it with new splendor. Therefore, by the present document, We, with Our Apostolic authority, declare Our parish church, dedicated to the Virgin Mary of Good Help, and located in the town of Bonsecours, in the diocese of Tournay, to be a minor basilica, for all time.

[*Latin ed. p. 324*]

Acts of the Apostolic See. - Official Commentary. We elevate you in this manner, and together with this most honorable title, we grant you all and each rights, privileges, prerogatives, honors, and indulgences which rightfully belong to the lesser basilicas of this Our City. We decree that these present letters shall always exist and be valid and efficacious, and shall fully and completely produce their effects, and shall fully assist those to whom they pertain, now and in the future, in all things and through all things, and that in the aforementioned matters, they must be judged and decided by any ordinary or delegated judges, and that they shall be null and void if, in any way, by any authority, knowingly or unknowingly, anything should happen contrary to these. Notwithstanding any Apostolic Constitutions and Ordinances, and any other contrary things whatsoever. Given in Rome, at St. Peter's, under the Fisherman's Ring, on the 13th of April, 1910, in the seventh year of Our Pontificate. R. CARD. L. £J3 S. a MERRY DEL V A L, Secretary of State. LETTERS. I. TO THE REVEREND FATHER JOHN DOVÌ, OF THE ORDER OF THE BAPTIST, BISHOP OF TRECENTESIMO VICODUNENSE, FROM CARDINAL JOHN (OF MONBONE). Venerable Brother, greetings and the apostolic blessing. — The three hundredth anniversary of John of Vicodunum passed last year, and those who cherish the glories of Vicodunum, both domestic and otherwise, have not been wanting, for it has not been lacking among you who, under your guidance, Venerable Brother, have skillfully commemorated the praises of men in

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assembly; but, since the minds of the people were generally turned towards the admiration of Saint Anselm, to whom secular honors were held at that time, you postponed certain solemnities for the remembrance of the illustrious citizen to a later time. It is entirely fitting that this honor should be pleasing to posterity, and it is only right: for if you were to deny that he should be compared to the Augustan Doctor, nevertheless you may rightly call him the ornament of the subalpine people and the adornment of the Benedictine family, and also a light to the Church. For as far as learning and doctrine are concerned, who would doubt, among those who, in the seventeenth century, in one field or another, admired—

[*Latin ed. p. 325*]

325 The acts of Pope Pius X have revealed that a certain place was assigned to Cardinal Bona. It is truly astonishing how varied and abundant his studies were; but above all, he devoted himself to those matters pertaining to the ceremonies of the Church and the discipline of Christian life, so that through the investigation of knowledge, he surpassed all others who subsequently treated these parts of theology, and for a long time was considered the foremost. And he brought forth, for the common benefit, the fruit of so much doctrine, in writing, and at a necessary time, especially when the Jansenist heresy was widely spreading throughout the orders of the Church, and, by whatever poison it injected, extinguished all fervor of religion. Therefore, his writings, which he disseminated on all those matters in which divine worship is contained, and which greatly strengthened the piety of the Christian people, were very numerous and excellent. And among these, one and another volume, in which the reader is drawn into contemplation of divine things, are so highly esteemed that they seem to yield little to the golden book on the imitation of Christ. But it was not only his intellect and doctrine that were so beneficial to others; it was also his spirit and sanctity, by which he excelled among his equals. Indeed, as a youth, he gave a striking example of virtue when, in order not to cause any harm to chastity, he fled from his father's house to a monastery. After he began his religious life at Mariae Vicanae, what else did he do for the rest of his life, if not strive for all excellence of virtue? Thus, while he always devoted much effort to the cultivation of letters and disciplines, he devoted even more to the perfection of his soul; and he was not so much engaged in these matters in order to quench his thirst for knowledge, as in order to seek the glory of God and the salvation of souls. This was his sole concern; to this he directed everything. Therefore, it is not surprising that whatever he wrote for the sake of promoting the common good of religion, possesses that eloquence which springs from the warmth of charity. Furthermore, since the perfection and absoluteness of Christian virtues are based on a humble and modest disposition of the soul, it can be judged that he must have attained a certain high degree of sanctity, who, although he flourished

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with the praise of all, as we have learned, himself despised himself, and was accustomed to either refuse honors offered with remarkable care, or to bear those imposed upon him with equal moderation. Indeed, to evoke the memory of such a man, and to associate with him a just and deserved veneration, which is what is proposed to you, we believe is fitting today; especially since we see that the solid ornaments of our Church are often neglected, and that those among outsiders pursue all shadows, even those of false glory; and not a few young men, which is more to be lamented, from the very Clergy, are led astray.

[*Latin ed. p. 326*]

Acts of the Apostolic See. - Official Commentary. 326. Following new authorities in studies and reason, they may unfortunately stray from the truth and from duty. Therefore, we greatly approve of your plan to diligently seek out and bring to light whatever has remained hidden in the writings of John Bona, for all the works of this man are ready to be presented, and they can be of great use, especially now that such progress has been made in all branches of literature. We also approve of your intention to erect a monument in his honor, a fitting tribute from the citizens; for it is fitting that he who has illuminated the name of the homeland forever should be perpetually praised by the homeland. But above all, we see that you intend to present to this age, through your talents, a portrait of his life and morals, refined and polished. For while many things will be learned from this by Catholics and those devoted to study, especially these: that while freely exercising themselves in all knowledge, they may remain steadfast in obedience to the Faith; that while eager for the best of studies, they may not relinquish the fervor of piety; and finally, that they may join the knowledge of many things with a humble opinion of themselves, and therefore with a life of innocence and sanctity. - Therefore, carry out these ceremonies in honor of John Bona with zeal, encouraged also by our authority. For although he cautioned in his will that nothing should ever be said about him after his death, he would readily allow his praises to be celebrated by you, since such praise has some hope of contributing to the common good, which he himself sought as long as he lived. We bestow upon you, Venerable Brother, and upon the other distinguished men who are presiding over this matter, our most fervent apostolic blessing, and we wish you divine favor. Given in Rome, at St. Peter's, on the twenty-fifth day of April, in the year 1910, in the seventh year of Our Pontificate. PIUS PP. X. II. To the Most Reverend Father Ambrose Agius, Archbishop in title of Palmyra, Apostolic Delegate for the Islands of the Philippines, concerning the restoration of the College of Saint Joseph in the City of Manila, to the members of the Society of Jesus. Venerable Brother, greetings and our apostolic blessing. - We believe that our paternal care and providence, already known to many for the prosperity of the Church in the Philippines, will again testify and

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bring about the restoration of the College of Saint Joseph, which, in recent memory, has been added to the Athenaeum of the city of Manila, as a kind of addition to it.

[*Latin ed. p. 327*]

The acts of Pope Pius X, number 327, are restored to their original state, so that they may bring forth the most abundant fruits of salvation to the Christian people. Although, in doing this, We are moved not so much by the cause of common utility, as by justice: which, indeed, demands that, above all, account be taken of what the pious author of this document intended. For it is not obscure that Roderick de Figueroa, who founded the College of Saint Joseph, had this in mind, that a sacred seminary should exist for the training of ministers of the Gospel for the use of that region; and that he stipulated in his will that whoever should be a member of the Society of Jesus in Manila should always be the prefect, and that the administration and governance of the College should be in his hands. To this excellent and generous man's purpose or prescription, for a long time and happily, obedience was given; but afterwards, various circumstances of time intervened, which prevented the same from happening again. Now, therefore, since those things which previously hindered the author's will are no longer present, it is fitting to restore the matter as much as possible to its integrity. Therefore, We wish you to know that We desire that the Dominican members from the Athenaeum of Saint Thomas in the city of Manila, who have previously presided over the College of Saint Joseph, should yield the administration of that same College to members of the Society of Jesus, who reside in the same city: and that these should provide for the education and proper instruction of young men of that region, in whom a disposition for the priesthood is seen, and nurture them. These things, in order that they may be brought to effect, you, Venerable Brother, will take care of, according to your faith and prudence. Furthermore, so that it may be more evident that We have acted in this matter solely out of justice, We command you to, in Our own words, show a spirit of gratitude to the Dominican members, who have greatly enhanced their merits for these peoples, while they governed the College of Saint Joseph, with great benefit to religion and the liberal arts. Moreover, We trust and indeed confide in the members of the Society of Jesus, that when they take up again the care of this College, which benefited them as educators, they will renew examples of diligence and prudence for its benefit. As a pledge of divine blessings and a witness of Our benevolence, We impart to you, Venerable Brother, and to both religious families, Our apostolic blessing with all Our heart. Given at Rome, at Saint Peter's, on the 3rd day of May, 1910, in the

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seventh year of Our Pontificate. PIUS PP. X.

[*Latin ed. p. 328*]

Acts of the Apostolic See. - Official Commentary. 328

III. TO THE MOST REVEREND VALERIUS LASPRO, ARCHBISHOP OF SALERNO, OFFERING CONGRATULATIONS ON THE CELEBRATION OF THE FIFTIETh ANNIVERSARY OF HIS EPISCOPAL OFFICE.

Venerable Brother, greetings and the apostolic blessing. – Know what is Our benevolence towards you. For We have only recently received news that you are about to celebrate the fiftieth anniversary of your episcopal office, and We have not delayed in sending these letters to you, praying that all may go well and happily for you. Moreover, We add another sign of our piety. For We wish to open Our heart not only to you, but also to all the faithful who rejoice with you; so that those united with you in this domestic joy, may all be embraced by the pontifical charity. Therefore, on the *octava* of May, as We are informed, you will solemnly repeat the Holy Sacrifice at the altar; We grant you the faculty of conferring the Papal Blessing with a Plenary Indulgence upon those who, having made their confessions, have assisted at the Holy Mass. We make this sign of paternal affection more complete with the apostolic blessing, which We impart to you, Venerable Brother, and to your clergy entrusted to your care, for the love of God.

Given at Rome, near the Holy Peter, on the third day of May, in the seventh year of Our Pontificate.

PIUS PP. X.

[*Latin ed. p. 329*]

Sacred Congregation of Bishops. 329 SACRED CONGREGATION OF BISHOPS. I. ALTERATION OF THE BOUNDARIES OF DIOCESES. Petitions were presented to this Sacred Congregation of Bishops, requesting that a portion of the parish of Saint Gabriel of Brandon be separated from the diocese of Joliette and added to the parish of Saint Charles of Mandeville in the diocese of Trifluvian. Furthermore, this same Sacred Congregation, having considered all matters and, through the aforementioned Secretary, having made a report on these matters to His Eminence, at his command, detached from the aforementioned parish and diocese the portion of territory which, in the common tongue, is contained within these limits: "To the North-East, by the current limits of the diocese of Trois-Rivières; to the South-East, by the Maskinongé River; to the South-West, by Lake Maskinongé, the parcel number one hundred and thirty-four of the parish of Saint-Gabriel of Brandon, and the parish of Saint-Damien; to the North-West, by the line that separates the Canton of Peterborough from the lands of the Government of the Province of Quebec," and which now

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belongs to the parish of Saint Gabriel of Brandon, diocese of Joliette, and assigned it entirely to the parish of Saint Charles of Mandeville, diocese of Trifluvian. April 9, 1910. C. L. CARD. DE LAI, Secretary. © S. Scipio Tecchi, Assistant. II. CONCERNING JURISDICTION OVER THE FEES OF EPISCOPAL COURTS. The following question was presented to this Sacred Congregation of Bishops: "Whether, after the Constitution *Sapienti Consilio*, it still pertains to the Sacred Congregation of the Council to approve the fees of Episcopal Courts, and also to resolve all questions pertaining to them; or whether this authority should be reserved to this Sacred Congregation of Bishops."

[*Latin ed. p. 330*]

Acts of the Apostolic See. - Official Commentary. 330 After mature consideration of the matter, and with due regard to the Most Eminent Prelate, the Consultors judged: "Affirmatively to the first part, negatively to the second." The Most Holy Lord, in an audience on April 15, 1910, graciously approved the resolution, having granted it to the aforementioned Secretary. April 21, 1910. C. CARD. L. DE LAI, Secretary. S. Scipio Tecchi, Assistant. III. CONCERNING THE PRIVILEGE GRANTED TO BISHOPS OF WEARING A PURPLE CAP. The matter was brought before the Sacred Congregation Consistorial by a question concerning whether, even without a special dispensation from the Bishop, Bishops could use the privilege of wearing a purple cap, granted by the Most Holy Father Pius IX through Apostolic Letters of June 17, 1867, beginning with the words "Ecclesiarum." After a report on this matter was made by the Most Eminent Cardinal Secretary to the Most Holy Father in an audience on April 22, 1910, His Holiness, after consultation with the Sacred Congregations of the Discipline of the Sacraments and of Rites, ordered that it be declared that they can, from the day on which they are appointed by the Supreme Pontiff, even though they have not yet received the episcopal consecration; and this while they are engaged in sacred works, but not from the Preface up to the reception of the Body and Blood of Our Lord Jesus Christ, and while they are present at divine offices and sacred rites. May 2, 1910. C. CARD. DE LAI, Secretary. L. Eg S. Scipio Tecchi, Assistant. IV. APPOINTMENTS OF BISHOPS. The Most Holy Father, Pope Pius X, by decree of this Sacred Congregation, appointed: March 10, 1910. — The Reverend Pacifico Fiorani, Bishop of Charysten, as titular Bishop of the united dioceses of Cornetana and Centumcellarum (Corneto Tarquinia and Civitavecchia).

[*Latin ed. p. 331*]

(Sacred Congregation of the Consistory. March 12, 1910. — The Reverend Apollonium, 331, of the Order of Preachers, was appointed titular Bishop of Lystra, and assigned as Apostolic Administrator of the Diocese of Ascoli in Piceno (Ascoli). April 15, 1910. — The Reverend Gabriel Vet-

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tori, parish priest of the church commonly known as Saint Salvator, in the city of Florence, was appointed Bishop of the Cathedral Church of Tivoli. April 18, 1910. — The Reverend Joseph Gross, priest of the Archdiocese of Prague, and there parish priest and dean of Falkenau, was appointed Bishop of the Cathedral Church of Leitmeritz. April 22, 1910. — The Reverend Father Thomas Valeri, of the Order of Friars Minor, director of the Seraphic College in the place called Figline, in the Diocese of Fiesole, was appointed Archbishop of the Metropolitan Church of Brindisi, with perpetual administration of the episcopal see of Ostuni. April 29, 1910. — The Reverend Father Arthur Marchi, Bishop of the Cathedral Church of Regiae in Emilia, was appointed Archbishop of the Archiepiscopal Church of Lucca. Moreover, the Most Holy Pope commanded that, concerning this matter, Apostolic Letters be dispatched under seal for the proper course of law.

V. ERECTION OF DIOCESES.

His Holiness Pope Pius X, by decree of the Sacred Congregation of the Consistory, erected:

April 15, 1910. — The episcopal see of Toledo in America, in the ecclesiastical province of Cincinnati, in the United States of America. Moreover, the Most Holy Pope commanded that, concerning this matter, Apostolic Letters be dispatched under seal for the proper course of law.

[*Latin ed. p. 332*]

Acts of the Apostolic See. - Official Commentary. 332. SACRED CONGREGATION FOR RITES. S. CHRISTOPHOR OF HAVANA. DOUBTS REGARDING THE TRANSFER OF A SOLEMNITY TO SUNDAY. The Most Reverend Lord Peter Gonzalez y Estrada, Bishop of St. Christopher of Havana in the Island of Cuba, humbly requested a solution to the following doubts from the Sacred Congregation for Rites: By a Decree of the Most Holy Supreme Congregation of the Inquisition, approved by the Most Holy Pope Pius X, it was granted to the Dioceses of the Ecclesiastical Province of St. James of Cuba that, while retaining certain feasts, others should not be entirely suppressed, but transferred, as regards external solemnity, to the nearest unobstructed Sunday. The following feasts are to be transferred: The Epiphany of the Lord, the Purification of the Blessed Virgin Mary, St. Joseph, Spouse of the Blessed Virgin Mary, the Annunciation of the Blessed Virgin Mary, St. James the Apostle, and the Nativity of the Blessed Virgin Mary. Regarding the liturgical consideration of the external solemnities of the aforementioned feasts, the following doubts have arisen: I. Can the external solemnity of the feasts mentioned above be celebrated on the following Sunday, when that Sunday is of the first or second class, respectively, and the feast is to be transferred? II. Is it permissible to celebrate

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the external solemnity of the Purification of the Blessed Virgin Mary on the Sunday of Septuagesima, Sexagesima, or Quinquagesima? III. Can the external solemnities of the feasts of St. Joseph and the Annunciation of the Blessed Virgin Mary be celebrated on the Sunday of the Passion? IV. If the external solemnity of the feast of the Nativity of the Blessed Virgin Mary is to be transferred to the nearest Sunday, on which the feast of the Most Holy Name of Mary is celebrated, should it be celebrated in such a way that two Masses are said, one for the Most Holy Name of Mary and the other for the Nativity of the same Blessed Virgin; or rather, should a single Mass be celebrated with greater solemnity? Or is it better to transfer the aforementioned solemnity of the Nativity of the Blessed Virgin Mary to the fourth Sunday of September? V. What, then, is to be done if the first Sunday after the feast of St. James the Apostle, which is to be transferred as regards external solemnity, is a feast day of St. Anne, of the same rite as the feast of St. James, namely, of the second class? And the Sacred Congregation, with the diligent support of the Liturgical Commission, having carefully considered all things, judged that the following should be answered:

[*Latin ed. p. 333*]

Sacred Congregation of Rites. 333 Regarding Items II and III. Negatively, but let there be only a commemoration according to the norm of decree number 3754, Declaration of Indulgence for the solemnity of transferred feasts, December 2, 1891, regarding Item III. Regarding Item IV. Because of the intimate connection between the feasts of the Nativity of the Blessed Virgin Mary and the Most Holy Name of Mary, it suffices, for the purpose of the indulgence, that one Mass be celebrated for the Most Holy Name of the same Blessed Virgin. Regarding Item V. The Solemnity of the feast of Saint James the Apostle should be celebrated as a more dignified feast, with one Mass dedicated to that same Saint, according to the meaning of decree number 3754 regarding Item V. And thus it was written, on April 29, 1910.

F. R.

Most Reverend Cardinal Martini, Prefect.

L. ffi

Most Reverend Peter La Fontaine, Bishop,

SACRA ROMANA Charystien, Secretary.

ROTA I. NEAPOLITANA.

CREDITS.

During the happy reign of Pope Pius VII, in the year 1910, the Auditors John Prior, Aloysius Sincero Ponens, and Joseph Mori, from Tournon, in the case of Bonaventura, the plaintiff, in the Neapolitan cause – Credits,

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between Spavone, the parish priest of Saint Erasmus, commonly called "of Graniti," represented legally by the priest Vincent Sacconi, advocate, and the priest Philip Savarese, parish priest of Saint Michael the Archangel at Arenavi, the curator, Angel D'Alessandri, representing the definitive sentence, on January 22, 1910. This cause concerns the Reverend Mr. Bonaventura Spavone, parish priest of Saint Erasmus, commonly called "of Graniti," of the Neapolitan diocese and citizenship, and the Reverend Mr. Philip Savarese, parish priest of Saint Michael the Archangel at Arenam, of the same city and diocese, and concerns the obligation imposed upon the parish of Saint Michael the Archangel, or upon the said parish priest, to pay to the parish of Saint Erasmus, or to its parish priest, a portion of the subsidy paid by the Municipality for expenses of worship.

ACTS, Volume II, number 8. – May 15, 1910.

[*Latin ed. p. 334*]

Acts of the Apostolic See. - Official Commentary. 334 The case was initially brought before the Neapolitan Curial Court, which rendered a judgment against the parish priest of Saint Erasmus. When this priest legitimately appealed to the Holy See, the controversy was submitted to this sacred Order for a new examination, with the following question: "Whether and to what extent a subsidy should be paid by the Municipality to the parish of Saint Michael the Archangel 'all'Arena,' and whether this subsidy should be paid to the parish of Saint Erasmus 'ai Graniti' in this case."

FACTUAL INFORMATION. The Most Reverend Lord Joseph Carbonelli, Vicar General of the Most Eminent and Reverend Cardinal William Sanfelice, Archbishop of Naples, by special mandate, through letters dated December 20, 1883, issued by the same Archbishop, and with due regard for the laws to be observed, as appears from the records, rendered a final judgment on December 18, 1884, concerning four parishes, including the parish of Saint Michael the Archangel, through division, and the church of Saint Erasmus, commonly known as "al Ponte della Maddalena," or "ai Graniti," arising from the same establishment. By virtue of this judgment, locations, territory, the number of inhabitants, the care of souls, chapels, pious bequests, and a suitable income were assigned to the new parish of Saint Erasmus, with the Ordinary retaining the power to resolve all doubts and to settle all controversies that might arise, both concerning the assignment of the aforementioned bequests and Masses, and concerning the division of territory and the description of boundaries.

Regarding expenses for worship, since all and each of the parishes of the City of Naples were accustomed to receiving a certain sum from the Municipality of Naples for those same expenses for worship, the Vicar General Carbonelli himself authorized the Municipality to grant the same subsidy to the new parish. When the authority then governing the Municipality refused to do so, the same Vicar General, in his judgment of division

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and establishment, decreed that the sum of 105.19 livres, which was customarily paid monthly to the old parish of Saint Michael the Archangel 'all'Arena' by the Municipality for expenses for worship, should be divided into four parts, one of which, amounting to 26.30 livres, was assigned to the newly founded parish of Saint Erasmus, to be deducted from the 105.19 livres assigned to the aforementioned parish priest of Saint Michael the Archangel, and to be paid monthly to the new parish of Saint Erasmus. However, in the year 1893, the parish of Saint Erasmus itself, like the old parishes, received a subsidy of 100 livres each month from the Municipality of Naples; therefore, a controversy arose between the parishes of Saint Michael the Archangel and Saint Erasmus, as well as between them and the other parishes in the same condition, concerning whether...

[*Latin ed. p. 335*]

335 The Roman Rota. The question of whether the expenses of the cult of the Parish of Saint Michael the Archangel were still being borne by the aforementioned division, or not, was to some extent resolved by a certain agreement on November 27th of the year 1893, initiated before the Reverend General Procurator, Canon Aloysius Caruso, whereby the sum of 26.30 lire, which was the subject of dispute, was again divided into two parts, of which only one part, amounting to 13.15 lire, was assigned to the Parish of Saint Erasmus. However, as will become clearer from what follows, this agreement was not a true and proper transaction, nor did it definitively resolve the matter, for, among other things, it is stated in the agreement itself: "that the purpose of the meeting was to find a means to reconcile the dispute," and "without entering into the legal merits of the controversy." Therefore, the controversy flared up again after the death of the Reverend January Russo, the pastor of Saint Erasmus, who had accepted this agreement. When the pastor of Saint Michael the Archangel refused to pay the new pastor, the Reverend Bonaventure Spavone, the sum of 13.15 lire, the pastor Spavone brought the pastor Savarese before the ecclesiastical tribunal of the Neapolitan Curia, in order to defend the rights of his parish, and legally requested that, with the aforementioned agreement of the year 1893 set aside or postponed, the pastor of Saint Michael the Archangel be definitively condemned to perpetually pay to the parish of Saint Erasmus the sum of 26.30 lire, as established by the aforementioned division.

REGARDING THE LAW. I. Three distinct types of revenues are distinguished in the decree of the division of the Parish of Saint Michael the Archangel and the erection of the Parish of Saint Erasmus, namely: 1. Congrua, or a suitable income for the pastor. 2. "Cappellaniae, dowries for unmarried girls and other pious bequests. 3. Expenses of the cult, namely, a certain subsidy that was customarily given to the Parish of Saint Michael the Archangel by the Municipality of Naples, of which one-fourth was as-

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signed by the aforementioned decree to the new Parish of Saint Erasmus. In our case, we are dealing only – and this is worth noting – with the expenses of the cult, and specifically with that portion of the subsidy assigned to the Parish of Saint Erasmus. Indeed, the words of the decree state: "Finally, the monthly allowance that the Municipality pays for 'cult' expenses, amounting to 105.19 lire to the Parish of Saint Michael the Archangel, We decree that it be divided into four equal parts, each of 26.30 lire monthly, of which three parts, amounting to 78.90 lire monthly, remain with the Parish of Saint Michael the Archangel, and one part, amounting to 26.30 lire monthly, is assigned to the Parish of Saint Erasmus."

[*Latin ed. p. 336*]

Acta Apostolicae Sedis. - Official Commentary. 336 "It is attributed to the parish church of Saint Erasmus. This church will continue to receive 34 Lira per month, which the Municipality has hitherto paid as a branch of the ancient parish of Saint Michael the Archangel at Kosso. Thus, the parish priest of Saint Erasmus will collect a total of 60 Lira each month: 34 Lira directly from the Municipality, and 26.30 Lira from the parish priest of Saint Michael the Archangel at Kosso."

"Furthermore, as can be seen from the above, the central question on which the entire case hinges is this: whether this allocation of subsidies by the Municipality to the parish of Saint Michael, and the assignment of a portion of that subsidy to the parish of Saint Erasmus, was made in the decree of division because of the denial of a similar subsidy to the new parish by the municipal authority at that time, and whether this denial was so intimately connected, directly, and primarily to the decree, as if it were inherent in the very nature of the decree, and as if it were a substantial condition, such that it constitutes a tacit resolutive condition.

Indeed, although the words of the decree are clear when considered in themselves and precisely, the decree says absolutely nothing about this question. Therefore, the matter must be resolved from another point of view. The question that was primarily raised among the parties' representatives was whether this municipal allocation of funds, carried out by decree, should be considered perpetual, and this because the nature and quality of law is that it should be perpetual and always in force; also, whether, in such circumstances, there is room for the interpretation of the law based on conjectures about the legislator's intent. Furthermore, in accordance with the principles of interpretation of laws and wills, the legislator's intent was primarily investigated.

However, this question does not need to be resolved precisely based on the principles of the nature of law, whether it is perpetual or not, or whether the legislator's intent should always be investigated. For the ruling, or decree, of which we are speaking, is not a true and proper law. Nor is the matter to be resolved precisely based on the principles of interpretation

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of wills or contracts; for this decree is not truly and properly a legal matter, or a will, or a contract. The question, therefore, must be examined more closely and reduced to its true terms.

First, the true and proper nature or essence of the present ruling or decree must be determined; that is, its legal form or structure must first be defined; then, the principles of its own law, if any, will be applied to it; and if these are lacking, the provisions that regulate similar cases or analogous matters will be applied; and finally, general principles of law will be sought and applied. Indeed, this ruling is truly and properly a decree in an administrative matter."

[*Latin ed. p. 337*]

Administratively, or in matters pertaining to the Roman Rota, 337, concerning the law of the administration of the Catholic Church, or the law of its constitution itself, as is more pleasing to others, for example, Wernz (Ius. Decr., Vol. II, Title XIII). Therefore, for the same reason, the General Vicar of the Neapolitan Curia, in this matter, was not to decide arbitrarily, but according to the laws and norms promulgated by the Church, and it is to be considered that he has indeed decided according to them, because otherwise his decree would not be legitimate; thus, that decree is to be understood, or rather, must be brought into complete conformity with these universal laws of the Church; and this is because, even if "in doubt, every act is presumed to be done correctly," this applies most strongly to our case, as will become clear from what is said. The true object of this decree is the division of a parish; therefore, just as, according to the norms or laws established by the Church concerning the division of benefices and parishes, this decree was to be established by the General Vicar, so too it is to be understood and authentically interpreted by the judge according to those same laws. a) Indeed, according to ancient canon law, the division, and a fortiori, the dismemberment of benefices, to which our case of the true and proper division of a benefice pertains, was either a kind of alienation of ecclesiastical goods, or a true and proper alienation. According to Pirhing (Ius. Can., Book III, Title V, section VI, no. CCXXXIII), division is "a kind of alienation," and "the dismemberment of a benefice is considered to be a kind of perpetual alienation" (ibid., section V, no. CCXXIV). According to Pichler (Ius Can., Book III, Title V, § III, no. 29), to which Reiffenstuel (Ius Can., Book III, Title XII, § II, no. 27) agrees, "dismemberment is a true alienation of ecclesiastical goods." - It should not be overlooked in this matter that "this canon law has begun to deviate somewhat from the ancient tradition" (Mühlbauer, Thes. Resol. S. C. C. Dismembratio, page 1103, no. 5), and that, from the numerous examples given in the Thesaurus Resolutionum S. C. C., "the jurisprudence of the ancients has received a different character" (ibid., pages 1230-1231), because the Tridentine decree "did not consider the dismemberment of parishes as an alienation of eccle-

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siastical goods, in which those solemnities are to be observed by law... but rather prescribed a special form and manner, so that the Ordinary may more easily attend to the spiritual needs of the people in those parishes..." (ibid., page 1114). - However, although the division of a parish is not a true and proper alienation of ecclesiastical goods, it is certainly a case similar to this, or a matter entirely analogous. Therefore, the norms or laws of the Church concerning this matter are not entirely lacking, as Pirhing teaches (Ius Can., Book III, Title V,

[*Latin ed. p. 338*]

Acts of the Apostolic Sees. - Official Commentary. 338 § VI, n. CCXXVI), the revenues are to be divided "according to proportion," and not "can a Bishop or another endowed with similar jurisdiction... transfer the property and rights of one Church to another at his own discretion," but only "for a just cause, namely, if one Church abounds in revenues and goods, while another is in need" (Ibid., Title XIII, Section I, n. VI). And the reason is: "Because Prelates and Rectors of Churches... are not owners, but only dispensers or administrators of ecclesiastical things and goods," chapter 2, On donations (Ibid., n. II); therefore, as good administrators, they must act according to the general laws and norms of the Church, that is, they must dispose of ecclesiastical matters for a just or equitable cause, and with due regard for proportion in the distribution of benefits. Indeed, in our case, no other just or equitable cause could have outweighed or existed for transferring one-quarter of the municipal subsidy from the Church of St. Michael to the Church of St. Erasmus, other than the fact that the Church of St. Michael was sufficiently provided for in terms of expenses for worship through a subsidy of 105.19 lire, while the Church of St. Erasmus, which received only 34 lire from the Municipality, was truly, to use the words of Pirhing, in need for those same expenses for worship. But since this need in the case at hand arose or existed due to the denial of authority by the Municipality, as we have said above, the just or equitable cause for that division was no other, nor could it have been, than the denial of the subsidy by the Municipal authority at that time. With this cause established, in the decree of the Vicar General, in virtue of ecclesiastical norms and laws, and therefore a resolutive condition must be tacitly understood, namely, as long as the Church of St. Erasmus was in need for expenses for worship, or until it received the same subsidy, as other parishes, from the Municipality. If we were to imagine the Vicar General simply and absolutely, without any just cause, permanently and for all time, even if the parish of St. Erasmus obtained the same or nearly the same subsidy, it would certainly be just to say that he had acted equitably, if the Church of St. Michael, as a sort of mother church of the new Church, had 78.90 lire for expenses for worship, while the Church of St. Erasmus had 126.36 lire, which certainly would not have been the action of a good administrator who would dispose of ecclesiastical

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goods according to proportion and according to the laws of the Church. But "what is not done according to the laws of the Church, 'we must believe,' to use the words of Papinian, 'that we cannot do'" (fr. 1, preamble, Big. 12, 5). b) What is derived from the substance of the decree itself and from its force confirms this. For the very ecclesiastical laws and their circumstances demonstrate that the transaction, or rather, the agreement, was initiated with a condition.

[*Latin ed. p. 339*]

339. The Roman Congregation. November 27, 1893. The General Provicar, Canon Caruso, declared and explained: "That in recent times, with the erection of some new parishes, it was not possible to obtain an annual grant from the Municipality of Naples in favor of these parishes; it was therefore established that the parish from which the new parish was formed would, from the monthly grant received from the Municipality for expenses of worship, set aside a determined sum to be paid to the parish priest *pro tempore* of the new parish." His Eminence Cardinal Prisco, the present Ordinary of Naples, more definitively expressing the cause of the matter and its consequence in his statement, declared: "And since the Municipality did not grant any grant for expenses of worship, as it had done for other foundations of parishes, it was ordered in the same decree to set aside from the expenses of worship that the mother parish enjoyed from the Municipality, a portion of two hundred and six *lire* monthly, in favor of the filial church."

c) This is also confirmed by the testimonies of witnesses, which, although they cannot be called 'declarations of the legislator himself,' nevertheless clearly show what was the purpose of the decree, what was the direct, proximate, and determining cause for which the Vicar Carbonelli made the division of the municipal subsidy, in this case, in his decree. For the Most Reverend Lord Ianuarius Trama, Bishop of Lecce, formerly in the Royal Curia of Naples as Patron of Finances, a sworn witness inducted in the case by office, and who was present at the convention as advocate for the poor, or as added fiscal, as they say, testified: "His Eminence Cardinal Sant'elice did everything to obtain for these (new) parishes being erected, the municipal grant for expenses of worship, which is received by all the parish priests of Naples; but a letter from the then Syndic, Nicola Amore, which is perhaps still preserved in the archives of the Secretariat of the Vicariate, informed His Eminence the Archbishop that the Municipality, while respecting the grant to the ancient parishes, did not intend to grant a grant to the new ones. Therefore, having lost all hope of obtaining such a grant, Monsignor Vicar Carbonelli, in the decree of erection of the new parishes, availing himself of a right conferred upon the Ordinaries by the Council of Trent, considering that the ancient parishes, with the division, would save the salary of an additional

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coadjutor, ordered that the municipal grant paid to the ancient parishes be divided in half with the new ones." And although the witness does not sufficiently distinguish in our matter the salary of a coadjutor, the parochial income, the quality and number of parishioners, the archives and parish houses – which, however, must be properly distinguished in the present case – from the expenses of worship, about which only we are concerned, although he also does not mention that he was, at that time, 'personally...'

[*Latin ed. p. 340*]

340 Acta Apostolicae Sedis, - Official Commentary. "Regarding the legal matter, which internally favors the Rectors of the new Parishes based on the factual situation," it declares: "However, considering the entirety of the matter, I believe that if the new Parishes had received the municipal grant at the time of their establishment, Monsignor Carbonelli would never have allocated half of the grant from the older Parishes to them." Furthermore, whatever may be thought regarding the present matter concerning the validity of this interpretation of the Vicar Carbonelli's mind or will, it is certainly and manifestly clear that this was the sole cause of this division of the municipal subsidy, namely, the denial of authority by the governing Municipality at that time. Moreover, the Rector Iannelli, having taken an oath, testified: "Monsignor Carbonelli replied to me: 'Dear Rector, do not be concerned, because this portion of the grant that you will give to the Rector of Saint Anne is temporary and transitional. Another mayor, or another municipal administration in the future, will consent to also grant the Rector of Saint Anne his own grant for the expenses of worship; and in that way, you will no longer have to pay it." This last part, at least, I understood from his words." Indeed, even if we were to overlook the question of whether these last words were explicitly and truly uttered by the Vicar General, it is clear and explicit that they induced the Rector Iannelli to say: "This portion of the grant that you will give to the Rector of Saint Anne is temporary and transitional." The full force of this testimony is not diminished by the fact that it has been observed that the witness, on the other hand, in a certain sense, gave his own testimony in this matter; for the Rector himself is the sworn witness, and the cause upon which he testified is not truly and properly his own cause, but only contains it, and furthermore, his testimony is strongly supported by the testimony of others. Indeed, the Rector Corbi, to some extent, testified against himself, for he is the Rector of the filial Church, and having taken an oath, he testified: "Following the decree, by which the Municipality of Naples, under Mayor Amore, refused to grant a monthly grant to the Parishes that were to be newly established, the Vicar of that time (1884), Monsignor Carbonelli, ordered that the Rector of All Saints, from whose Parish the Parish of Saint Anne at the Trivium was separated, should give, from the expenses of worship that he received from the

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Municipality, 32 Lira each month to me, who was the first Rector of Saint Anne. Since there was no mention in the decree of the establishment of the new Parishes regarding the time for which this monthly payment was to last from the Rector of All Saints, I believe that this payment was precarious and transitional, that is, it was to last until the Parish had obtained the grant from the Municipality for the expenses of worship." And further: "On that occasion (that is, -

[*Latin ed. p. 341*]

The Roman Rota. 341 (regarding the controversy arising from the subsidy granted to new Parishes): "Speaking with the Vicar of the time, Mons. Carbonelli, he stated that he was 'distressed by the interpretation given to the aforementioned decree by the new Parish priests, who claimed to continue receiving from the old Parish the allowance established in the curial decree of erection; because he considered that they no longer had the right, since they would have obtained the expenses of worship from the Municipality.'" It cannot reasonably be doubted that in this matter, the witness's memory wavered, for, besides other things, the vexed question was being discussed, which in some way concerned him. Furthermore, in this very empty matter, it is stated that "he was not called" (as if to indicate that he was not involved in the agreement), contrary to the truth, or at least ambiguously, it is affirmed that he himself attended the meeting held in the Curia, for it is established from the testimony of Bishop Trama, Parish Priest Iannelli, and from the very document of the meeting itself that he received notice of the meeting and of its commencement. Furthermore, Parish Priest Francis Popolo, the witness, also, in a way, contradicted himself, and under oath, he testified: "Mons. Carbonelli found that the Parish priest of the Seven Sorrows had acted improperly by suspending the payment of his *privata* allowance on his own initiative, without being authorized by the Diocesan Authority; but on the other hand, he added that I had no right to insist, having obtained the allowance through another means, namely, from the Municipality."

It cannot be argued from these testimonies that the reason for the division of the subsidy in this case, namely, the denial by the Municipality, was merely a simple motive, which, according to the doctrine regarding Roman law, does not fall into consideration, as stated by Ferrini, Pandects n. 123: "Transactions, the typical structure of which is determined exclusively or particularly by the content, are called by modern scholars 'causal'; what constitutes the type forms the proximate motive, the direct cause for which the parties enter into the transaction... From this 'cause' are distinguished the simple motives, which are the intellectual representations generating the series of volitional acts that lead to the strictly determined cause... Such motives, which are not capable of an objective and typical representation, are not usually taken into consideration by law..." Also, Bonfante, Institutes

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of Roman Law, § 27; and Pacchioni, Course of Roman Law, Vol. II, p. 146, etc. For first, the decree in question is not strictly a legal transaction, but an administrative decree; and second, from the very testimonies and from the underlying matter, it is evident that the denial of the municipal subsidy to the new Parish in this case was the true, direct, and, so to speak, essential cause of the decree, or of the division of the municipal subsidy in this case. Indeed, as Barbosa teaches in axiom 40, ...

[*Latin ed. p. 342*]

342 Acta Apostolicae Sedis. - Official Commentary. n. 4, "This is the general rule in laws, contracts, and other provisions: that, when the cause upon which the provision is based ceases to exist, the provision itself also ceases; Dyn. cons. 6, from the Lord's testament, n. 2, verse; furthermore, where, in a pact, the effect ceases when the final cause ceases; Angel. consti. 346, Titius, where he expands on this in every provision, whether legal, testamentary, or between living persons, because the provision is regulated, restricted, and expanded by the cause; Angel., Consti. 86, Hereditas materna, at the end...". And n. 18 and following: "Whether the cause regards private or public utility, because if it ceases, the effect and the provision must also cease; from John of Imola, consil. 87 verse; furthermore, according to the second Cardinal Tusch. d. conci. 202, n. 42". Therefore, it must be concluded, first a) from the nature and substance of the decree in the case, and from the force of ecclesiastical laws regarding this matter; second b) from the matter itself and from the circumstances of the matter; third c) from the testimonies, that the lack of municipal support for the expenses of the Church of St. Erasmus, or its denial by the municipal authority of that time, was the direct cause and, as it were, a tacit resolutive condition of the partition of municipal support for the Church of St. Michael the Archangel, and its portion assigned to the Church of St. Erasmus. Therefore, since the cause of the lack of municipal support in the Church of St. Erasmus ceased, and the condition of the concession itself was verified by the Municipality, it must be said that the partition and assignment established by the decree of the Neapolitan Court completely ceased. II. Regarding the arguments presented in favor of the Parish of St. Erasmus, they must be briefly addressed; for they do not pertain closely to our matter. First, it is argued that the assignment in favor of the Church of St. Erasmus was perpetual, based on the fact that it was made clearly and without any definition of time, and on the principles of law. But the words of the decree are indeed clear in themselves, when considered precisely and as if in the abstract; but in the concrete, or in the case, and in the controversy, in which the entire cause is based, they say nothing, as has already been noted. Furthermore, although there is no definition of time in the words when considered abstractly, it is implicitly present in the decree itself, both from the substance of the decree, namely, the expenses of worship, and from the circumstances, and

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especially from the reason for which this assignment was made, as we have already demonstrated. However, the legal principle "the nature and quality of a law is that it should be perpetual and always remain in force" is not correctly applied. For this perpetuity applies to a law properly so called, insofar as it is "an order of reason for the common good, promulgated by him who has care of the community" (D. Thom., 1, 2, 90. 4) and is defined as: "An order of a legitimate Prince, for the good of his subjects, common, and sufficiently promulgated, perpetual." (D'An-

[*Latin ed. p. 343*]

The Roman Rota (343, Summa Theologica Moralis, I, 160); but this perpetuity signifies above all that the law does not cease with the resolution of the right that supports it, and it binds the subjects, whether present or future (Ibid. 161, note 15; Suarez, De leg., book 1, chapter 70, note 7), and certainly not that it endures even if, for example, the purpose of the law adequately ceases to exist. Regarding Reiff., Ius Canonicum, book 1, title 1, § 2, note 34: "Furthermore, this perpetuity of the law, and of its obligation, is not to be understood as eternity without beginning or end (otherwise no positive law would be given), but as indefinite duration, insofar as the law properly so called must be understood to be enacted not for one day alone, or for one year, or only for the lifetime of the legislator, but forever. Understand, insofar as it is from the original intention of the legislator, although afterwards, for just reasons..." But, as we have already noted, in our case, we are not dealing with a law properly so called, but with a particular decree. And if every law is enacted "by the things themselves and by the exigency of necessity," this applies most of all to our decree; for the things that dictated and the necessity that demanded it were the indigence of the Parish of St. Erasmus and the lack of municipal support, which are entirely temporary and subject to change. Also, those principles of law, "that a law, speaking generally, must be understood generally," and "where the law does not distinguish, neither should we distinguish," do not fit well with our case. Regarding Pirhing (Ius Canonicum, book 1, title 1, section III, § 1, note CIV): "A universal and general law, or one speaking generally and indefinitely, must also be understood generally and universally, so that it applies to all that fall under such a category in its proper meaning; for example, a law speaking of sons also includes daughters, and where the law does not distinguish, neither should we distinguish" (Suarez, I. 6, de legib., chapter 2, notes 3 and 4, unless a general law is limited by a prior or subsequent special law, or unless a particular case is excepted, gl. in I. de pretio 8, see ff. de publiciana in rem actione). Indeed, since our decree refers to the case of the lack of municipal support for expenses of worship, it certainly cannot be understood and applied in a case where such municipal support has been granted. Therefore, here, rather, that rule of law (LXXXI in sext.) applies, according to which: "In a general grant, those things are

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not included which one would not have likely granted in a particular instance" (Reiff., ibid. note 3). - Nor are those words of our decree aptly applied: "that this division (i.e., of the parish), this dismemberment (i.e., of the revenues), and the erection of a new parish must always be observed." Regarding this, Pirhing teaches (Ius Canonicum, book 3, title 5, section VI, § V, note CCXXII): "There is a distinction between the dismemberment or diminution of a benefice, and between the division or section of a benefice; a dismemberment, or diminution of a benefice, is said to occur when the unity of the benefice is not abolished, but a part of the goods or revenues..."

[*Latin ed. p. 344*]

344 Acta Apostolicae Sedis. - Official Commentary. either the revenue is separated from the benefit and taken away, e.g., if in some church there are two benefices, one of which has abundant revenues, while the other has meager revenues, a portion of the revenues is taken from the former and applied to the latter; or if a portion of the revenues from the more abundant ones is assigned to the church fabric, then it is said to be a dismemberment... But a division or section of a benefice is said to occur when one becomes two or more benefices, and if from one parish church two... are created... so that, with the division of the revenues, two pastors are established in the future...". Therefore, the word "dismemberment" in our decree should be understood less strictly of the division itself of the parish of St. Michael or the newly erected parish of St. Erasmus, but not definitively of the assignment of a portion of the municipal subsidy. Another argument is drawn in favor of the church of St. Erasmus from the fact that there is no place in the interpretation of the decree to conjecture the intention of the legislator, because "in clear cases, no interpretation is to be made." But first, it must be observed that the issue is not about the interpretation of the decree, but rather about its cessation in terms of its binding force, relating to the solution of the made assignment of monthly installments of 100 florins, to be provided by the pastor of the parish church of St. Michael in favor of the newly erected parish of St. Erasmus. For in law, it is a well-known principle that, when the motivating cause and the purpose of the law cease, the law itself also ceases. In this case, the purpose of the law ceased, and indeed adequately; for the motivating cause was the denial of the municipal subsidy to the new church, and the purpose was precisely to address this denial and the resulting indigence of the church of St. Erasmus with regard to expenses for worship. It cannot be argued that the purpose of the law ceased only in a particular case; for the present law, or rather, the decree, of which we are speaking, was definitely enacted for a particular case. By the granting of the subsidy by the Municipality in 1903 of 100 florins per month in favor of the parish of St. Michael, the matter fell into a situation that could not have arisen: rather, a completely different and opposite case was created. - But even if we insist on interpreting the law, it must first be noted

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that a petition is being made to the prince! when it is affirmed that in clear cases, no interpretation is to be made. For, at the very least, the question is whether the law in concreto, or the matter itself, is clear or not. Then, the law or decree in concreto, that is, whether the assignment of a portion of the subsidy was made for all cases, even in circumstances that are the opposite, is not only not clear, but is indeed manifestly the opposite, as has been shown, and the transaction or agreement initiated in 1903, or even that itself, demonstrates. For although this agreement cannot be called, nor is it properly and strictly a "transaction," "as the word transaction, by its very name, implies the same as transition or withdrawal from action" (Reiff.,

[*Latin ed. p. 345*]

345 The Roman Rota. (Canon Law, Book I, Title XXXVI, § 1, no. 2), but in this case, the word "transactio" seems to be used "broadly and improperly... for any act by which one is released from an obligation and some agreement is made between parties, whether it is done for the purpose of settling a dispute or not" (Reiff., ibid., Pirhing, Canon Law, Book I, Title XXXV, § 1, no. 2). Nevertheless, at least analogously, the principle of law from leg. 1 ff. h. tit. De transact. applies to our case: "He who transacts does so as if regarding a matter of doubt and an uncertain dispute." Regarding the matter of Santi (Preliminary to Canon Law, Book 1, Title XXXVI, no. 1): "A transaction is a decision regarding a doubtful matter. These words have a double meaning: 1. It is indeed possible to transact in a matter of doubt that has not yet been the subject of a lawsuit, as long as there is a real fear of a future dispute; 2. The object of the transaction must offer something doubtful..." And Reiff, ibid., § II, no. 18: "It is certainly the case that a transaction cannot generally be made except regarding a doubtful matter, about which a lawsuit is feared..." This is further confirmed by the circumstances of the transaction or agreement itself. Whatever may be said regarding the private actions of the Reverend Carbonelli at that time, - it is not here being questioned or investigated what was in the mind of the Reverend Carbonelli, which, in any case, "operates or changes nothing" (Ex I. 62, § Locator horrei, 5, Locati, ibiqu. Bartol. Sancii., M. I, 18, 2), but rather the intention of the legislator, which "must be inferred partly from the subject matter and partly from other circumstances" (Arg. from Reiff., Canon Law, Book I, Title II, § IX, no. 205 and Pirhing, Canon Law, Book I, Title II, Section III, § I, no. CIV), - it is certainly the case that both parties entering into the transaction, and the Neapolitan Court assisting in this act and in the matter itself, considered and believed the matter to be, at the very least, obscure; for, if "in manifest matters, there is no need for interpretation, but for execution" (D. Thom., 2. 2, 120. 1, um ad 3), much less is there a need for a transaction. Since this is the case, the words of the decree must serve the intention of the legislator in this case. Regarding the matter of Pirhing (Canon Law, Book I, Title II, Section III, § I): "The first

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(rule) is that in the interpretation of laws, the words are not so much to be considered as the mind and will, or intention, of the legislator, which is like the soul of the law, from which it derives all its power to bind, 1. scire. 17 ff. de legib. 1. non dubium, 5 c. eadem reg. ult. in 6, c. in his. 15, ibi: since the intention, and not the words, must serve the intention, from the signification of words, c. humana, 11, reason 22, qu. 5. Suarez (I. 6 de legib. cap. 1) no. 12. This mind and will are gathered both from the subject matter of the law, and from the circumstances, especially from the end and cause, or reason, for which the law is enacted, Layman. I. I, Tract. 4, c. 18, no. 4": which has indeed been done in the individual parts above, no. I. And D'Annibale, Summ. Th. Mor. I, 184, "law is what the legislator willed," and "if it seems to deviate from right reason to ascertain the will of the legislator from the words, it is not necessary to consider the law."

[*Latin ed. p. 346*]

Acta Apostolicae Sedis. - Official Commentary. 346 To calumniate and to twist words, but to consider the intention of the legislator (185 ibid.). However, to determine the will from the words would not only be foreign to reason, but also to the very norms of the Church or of legal procedure, and therefore would truly be to calumniate the decree. Nor is it appropriately applied to our case: "The legislator has expressed what he wished, and has been silent about what he did not wish," and "A case omitted is to be considered omitted," for, lest we repeat ourselves, it is sufficient to note that "neither laws (nor canons and decrees) can be written in such a way as to include all cases that may ever arise." (LL. 10, 12, Title III. On Laws; St. Thomas, 1, 2ª 96, 6). Much less do the arguments derived from absurdities serve in favor of the Church of St. Erasmus. If such things were the case (namely, if, due to a change in circumstances, from the Bishop's presumed intention, there were an opening for a new division regarding revenues for the support of the parish church, regarding the dowry of the parish church, regarding legacies), would there be any firm foundation for the constitution of the parish? — But these things have no reference to our case. For in the present cause, we are not dealing with congruas, with legacies, nor with the assignment of territory, places, number of inhabitants, care of souls, chaplaincies, and other such things, but only with that monthly subsidy for expenses of worship paid by the Municipality to the Church of St. Michael. The reason for the difference is clear from what has been said, and it becomes even more evident if one considers that the Vicar General Carbonelli did not, and could not, grant the right to a portion of the Municipal subsidy (for how could such a right exist if it depends on the concession of the municipal authority?), but only granted a portion of the subsidy that the Municipality paid each month to the Church of St. Michael. Indeed, this subsidy or pension is subject to change due to alterations in circumstances, and even the adversary seems to imply that it could cease,

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as he states that, in order to obtain a pension for new parishes, it was necessary for our side to achieve victory in the elections. Furthermore, it is objected that the pastor of St. Erasmus labored and toiled to obtain the subsidy from the Municipality, and that the pastor of St. Michael rightly received a reward for his great and constant effort. But the pastor of St. Michael did not receive a reward, but only obtained that he might retain all that was his and cease from the burden imposed upon him, and from a kind of loss. III. Finally, we do not believe it is entirely necessary to speak in this case about the principle of equity, which, as a clear Neapolitan jurist, Cardinal Tuschius (Concl. 312, n. 4, 34) says, the judge must always have before his eyes as a cornerstone: "In all cases, it teaches..."

[*Latin ed. p. 347*]

347 The Roman Rota. Reiff. (Canon Law, Book I, Title II, § -XVI, n. 415) states that equity should take precedence over the strict letter of the law: this rule is derived from 1. The decree concerning Judgments, where it states: "It has been decreed that in all matters, the reason of the written law should be preferred over the strict letter of the law." Jur. states: "In all things, justice must be equal." And 1. In all the sections concerning the King, but especially in law, equity is to be sought. And 1. Quod si Ephesi § Interdum, in the sections concerning that which is certain in a particular place, etc., it states: "Above all, the judge must have equity before his eyes." This text is frequently cited to indicate that the judge must have equity before his eyes: and the same is found in chapter Ex parte 13 concerning the Office of Delegates, where it states: "And in the cause, according to the law, where equity is to be followed, it is always the more equitable opinion." Therefore, it must be considered that there are diverse opinions. Indeed, it is not equitable that the mother Church should receive less from the same source and for the same reason than the daughter Church, yet it is equitable that the mother Church should receive a diminution of its own support, after the daughter Church has obtained the same or nearly the same support. Having considered all these things, both the facts and the law, having invoked the name of Christ, and with God alone before our eyes, We, the undersigned Auditors, sitting for the Tribunal, definitively respond to the proposed question: Negatively to both parties, and furthermore, We decree that the expenses are to be compensated between the parties. Thus We pronounce, ordering the Ordinaries of the places and the ministers of the tribunals to whom this pertains, to enforce this sentence, and to proceed against those who resist, according to the norms of the sacred canons, and especially chapter 3, session XXV, concerning the means of reform of the Council of Trent, using the executive and coercive measures that are more effective and appropriate for the circumstances, in Rome, on the 22nd of January, 1910. Ioannes Prior. L. Eg S. Aloysius Sincero, Ponens. Ioseph

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Mori. Sac. Tancredes Tani, Notarius.

[*Latin ed. p. 348*]

348 Acta Apostolicae Sedis. - Official Commentary. II. PARIS. Regarding the Validity of Marriage, Pope Pius VII, on February 26th, PP. ALEXANDER-BAL. Concerning the Marriage of Matrimony - The Auditors, in the case brought against the obstinate George Bai, with the intervention of the official Procurator of the Parisian Curia, in the Parisian appeal concerning the Defense of the Bond of Alexander, the Defense of the Bond of Paris, and the jurisdiction of Tournon, in the year 1910, BR. PP. DD. Seraphinus Many, Franciscus Heiner, and Ioannes Prior, - Regarding Nullity X, - after hearing the arguments, rendered the following judgment. On March 30, 1875, Catherine Alexandri and George Bai were married in the parish church called "St. Honored' Eylau," in Paris; however, it was alleged that Catherine had not freely consented to the marriage, but under the influence of her mother. In truth, the marriage had unhappy consequences. Shortly after, the spouses separated, and in the year 1883, a so-called civil divorce was requested and granted. However, in the year 1908, Catherine Alexandri challenged the marriage before the Archdiocesan Curia of Paris, alleging that it was invalid due to coercion and fear, and she obtained a judgment favorable to her freedom. From this judgment, the Defense of the Bond of Paris appealed to the Holy Office. Therefore, at the request of Catherine Alexandri, and in the absence of the other party, who was in contempt of court, while the Defense of the Bond, protecting the sacred rights of marriage, presented its arguments, an agreement was reached on the following question: "Whether the marriage is null in this case." The RR. PP. DD. Auditors considered it necessary to respond to this question with: "Affirmatively." In law, it is well known in the Corpus Juris, Title 14, De Sponsalibus, where it is stated: "If there is no consent, where fear or coercion is present, the matter of coercion must be rejected. Marriage is contracted solely by consent; and where this is questioned, it must enjoy full security, and the will of the person must be investigated, lest, through fear, he say what he dislikes, and the consequences that usually follow forced marriages may occur." Similar things are read in the following chapter, 15, of the code, title: "We command that, if you find that, after the vow has been made, the person has not truly consented, you should allow him to remain in that state; otherwise, if he could have been betrothed to a steadfast man (unless he was coerced by fear), he may."

[*Latin ed. p. 349*]

§. The Roman Rota. 349 "that you may be joined to your wife." The Doctors, interpreting these words, say that, at least according to ecclesiastical law, fear is an impediment that dissolves marriage, if it is grave, even if

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only relatively so, unjust, and has been brought to bear in order to extort marital consent; this also applies to reverential fear, that is, the fear that is extended to those whom we fear to displease, because we are subject to their authority, provided that something else is added, e.g., importunate and insistent prayers, quarrels, vexations, etc., so that the fear is truly grave. In this sense, the Holy Congregation has often declared that a marriage has not been validly contracted. In fact, all these elements are present in the case: the elements involved in the celebration of the marriage are easily demonstrated, considering the Instruction of the Holy Office, of Thursday, June 20, 1883: "It must be considered whether those who are accused of using violence or fear held parental authority and power, or whether those who suffered violence or fear were in no way subject to them; whether the reason for inflicting violence was to obtain some benefit or advantage for the marriage or for the home; what kind of violence was inflicted, what condition, what manners; how they were accustomed to govern the family; whether they were so prone to anger and violence that they easily carried out what they threatened, and whether they were so hard and stubborn that no one dared to contradict them or object to their plans. Consideration must first be given to the sex of the person who is said to have suffered violence; for the mind of a girl is more easily moved than that of a man; then to their age, education, character, whether they were indeed mild and timid, or strong and steadfast; how they were accustomed to live in the family, whether under the custody and vigilance of their parents, so that they were always and in all things subject to their authority." On the one hand, Lady Alexander, the mother of the girl, absolutely and completely wanted that marriage; because of the prodigality of the man, who was a minister in Rumehen, because of the enormous expenses with which both spouses indulged, and for various other reasons, the fortune of the house was not only in danger, but was almost completely lost. This ruin had a certain remedy, namely, the marriage of her daughter with George Bal, a very wealthy young man, who would not only improve the girl's status, but would also greatly benefit the entire family, and especially the mother. Therefore, the ambitious woman desired that marriage all the more, the more vehemently she feared that the ruin of the house would become publicly known, and that she herself, having fallen from her position, would be forced to return to Rumehen or Moldavia. On the other hand, Catherine Alexander, a girl of eighteen years, mild, timid, absolutely abhorred that marriage.

[*Latin ed. p. 350*]

Acts of the Apostolic See. - Official Commentary. 350 Because she was preoccupied by another love, and indeed for many years, namely, for a young citizen of her town, Alexander Stériadi, with whom she also considered herself betrothed; and because George Bai, especially at that time,

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had an indecent and repulsive appearance, so that his appearance caused disgust, even to all, as the witnesses say. Therefore, the mother resolved entirely to break the will of this reluctant girl and to bring her to her own intentions; for she was, as all the witnesses testify, an imperious woman, who, being almost always absent from her husband, exercised all authority in the house, both maternal and paternal (these are the words of Catherine Alexander in her deposition), and could not tolerate anyone who was not fully subject to her. Therefore, to achieve her intended goal, she left nothing untried; first, she removed Alexander Stériadi, the daughter's betrothed, to whom she persuaded that he should return to Romania to prepare his fortune; then she brought George Bai into the house; and when she discovered that her daughter was reluctant to these marriages from the very beginning, she devised and employed means to bend her will; she presented the girl with the pitiable state of the family, the imminent ruin, the impending fall into disgrace, the return to Romania; and the only remedy, namely, marriage to George Bai; but when these arguments proved futile, she devised other means; hence frequent reprimands, harsh reproaches, and continuous quarrels. Nevertheless, the girl did not yield; and whenever she was brought before George, she always remained stern and cold; she did not dare to reveal, either in words or gestures, the feelings of her heart, which were alien and averse to George, because her mother was always very vigilant and never left her alone with George; she persevered. But, what was within her power, the girl perceived to be cold, as George himself testified before the Judge. Hence, after those encounters, the mother would scold her daughter, reproach her, and even beat her; which all the witnesses report as a well-known occurrence in the family; and there is a witness who saw it with his own eyes, namely, John Duca, who reported that he saw the daughter being beaten by her mother. "There were continuous discussions, tears; the mother gave a slap to her daughter in my presence. Without a doubt, all these discussions were provoked only by this matter of the marriage." And the girl suffered even more, because she had no one to whom she could turn; for her father was in Romania, and otherwise, he fostered the same intentions as her mother; her older sister was far away, namely, in the city of Valenciennes; her younger sister was still a little girl, and could in no way offer her any help. And this resistance continued until the marriage; so they say.

[*Latin ed. p. 351*]

And the Roman Rota. Throughout the proceedings, witnesses, such as "the priest Vigneron, and the lady Oettinger," testified. Furthermore, this was almost a matter of public knowledge; for, as the witnesses recount, on the day of the marriage, the young woman appeared as if she were being led to sacrifice; this sadness was also noticed by the groom, George; and this sadness affected all those present to a lesser or greater degree;

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hence, a certain servant of the house said that it was not a wedding, but rather a funeral: "One would have thought it was a funeral." It is true that the young woman expressed her consent to the marriage before the priest, as she herself admits; but she did not give this consent freely, but only because, at that very moment, she had no other recourse; she did indeed express consent, but under the influence of that fear and that moral coercion, by which she felt oppressed for many months. Therefore, George Steriadi, brother of Alexander, the former fiancé of Catherine, wrote a letter to his mother, Lady Alexander, filled with serious reproaches and rebukes, in order to reproach her for violating her loyalty to her brother; and he himself testifies to this: "I insist that this 'marriage with Mr. Bal' was made against the will of the young woman, as a result of the pressure of the mother. I was so touched and revolted by this that I wrote a violent letter to the mother at that time, a letter which is undoubtedly regrettable, but excusable because of the grief that my brother felt at this lack of consideration." This also implies that it was well known within the family that the marriage had been contracted not freely, but under duress, by the young woman. Furthermore, almost immediately after the marriage was contracted, the results manifested themselves sadly and manifestly. The aversion that Catherine had conceived towards her husband did not diminish, but rather increased, the more she understood what marriage entailed; hence, as both spouses testify, Catherine abhorred fulfilling her conjugal duties, not because of conscience (for she believed herself to be legitimately married), but because of her disgust and repugnance towards her husband, which she could not overcome. Then, as the witnesses recount, there were reproaches, rebukes, serious quarrels, beatings, and other things of this kind, so that, even during the first year of marriage, the husband wanted to seek a separation from his wife; but he was deterred from doing so only by the fear that he would arouse the admiration and scandal of everyone, as he himself recounts. However, this separation, as discord grew daily between the spouses, was in fact carried out after about ten and eight months; and finally, a civil divorce was sought and granted. And all of these things remain well proven from the records and testimonies. It is true that many of the witnesses are only reporting what they heard; but the following should be noted:

[*Latin ed. p. 352*]

Acts of the Apostolic See. - Official Commentary. 352 1. ° Since, due to the reason stated below, the accusation of marriage was not made until thirty-three years after the celebration of the marriage, it is not surprising that many eyewitnesses have died during such a long period; thus, the father and mother of the actress, both of her sisters, the husband of her elder sister, the son of this sister, or nephew of the actress, the former fiancé of the actress, namely Alexander Stériadi, have also died; likewise, these two female

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servants, who had lived in the house of Alexander for fifty years and were practically part of the family, have died. 2. ° Although most of the witnesses who testified in the case were only reporting what they had heard, they nevertheless deserve full credit, both because the matter concerned was well known within the family (as noted by the witness Carolina Bouvard), and because the Lady of Alexander, the mother of the girl, would scold and beat her daughter in the presence of relatives or friends; and also because many of these witnesses heard these events either from the actress herself, or from her mother, or from eyewitnesses, especially from those two female servants, who had lived with the family for so many years; and these events were heard during a time when there was no suspicion, namely, during the entire period from the day of the marriage celebration until the year 1907, when Catherine of Alexander first began to doubt the validity of her marriage. 3. ° Nevertheless, there are not lacking eyewitnesses, namely, the witness John Duca, who with his own eyes saw the girl being beaten by her mother in his presence; and among the eyewitnesses, the Lady of Culmore, a woman sixty-five years of age and a servant, who was the daughter of one who had maintained close ties with the family of Alexander, can rightly and justly be included. It should not be said that the actress Catherine of Alexander incurred suspicion of bad faith, since she delayed the accusation of marriage for so many years. The reason why she delayed is readily apparent: she was unaware of the nullity of her marriage until approximately the year 1907, when, while attending a catechism lecture in the Church of St. Honoratus in Paris, she heard an explanation of impediments that invalidate marriage, and, in particular, the impediment of force and fear; struck by this knowledge, she consulted with the priest Vigneron, whose advice she followed; who, after consulting with an expert, and even coming to Rome for the purpose of consultation, concluded that the case of the nullity of the marriage of Catherine of Alexander could be usefully presented before an ecclesiastical judge; which was immediately done. All of this is testified to by the priest Vigneron himself, to whom Catherine sang. After considering and carefully pondering all of these things, invoking the name of Christ, We, the undersigned Auditors, sitting for the Tribunal and having only God before our eyes, confirm the sentence of the Archdiocesan Court.

[*Latin ed. p. 353*]

353. Secretariat of State. From Cagli, Paris, We decree, declare, and definitively pronounce: "That the marriage between Giuse Bai is null," and thus, concerning the doubt of Catherine of Alexander, We respond; furthermore, We decree that the aforementioned Catherine of Alexander shall be held liable for all judicial expenses. Thus We pronounce, commanding the Ordinaries of the places and the ministers of the Tribunals, to whom this pertains, to diligently execute this sentence, and against those who resist this Our mandate, to proceed according to the norms of the sacred canons,

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and especially chapter 5, session 25, concerning Reforms, of the Council of Trent, employing those executive and coercive means which shall be most effective and appropriate for the circumstances. February 26, 1910. Seraphinus Many, Prefect. L. Eg S. Franciscus Heiner, Auditor of Tournon. Ioannes Prior. Reverend Father Tancredes Tani, Notary.

SECRETARY OF STATE. LETTER TO THE MOST REVEREND ARTURUS STANISLAUS TOUGHET, BISHOP OF AURELIANENSI, PRESENTED FOR DEVOTIONAL PURPOSES TO THE MOST BLESSED FATHER ON THE ANNIVERSARY OF THE INCLUSION OF SAINT JOAN OF ARC IN THE NUMBER OF THE BLESSED.

It is with particular satisfaction that the Holy Father received the letter that Your Eminence addressed to him on the occasion of the anniversary of the Beatification of Joan of Arc. The year that has passed has been a year of labors and sufferings. But, following His Divine Founder, it is indeed the role and destiny of the Church here on earth to progress to triumph through the pains of the Cross. For the Blessed Joan also, Calvary preceded glory. And His Holiness offers fervent prayers that the protection of the glorious Heroine of Arc may be an ever more certain guarantee of the renewal of the Faith in your beloved homeland. Among the means of this renewal, the Holy Father is pleased to encourage the form of apostolate that, under the inspiration of your powerful Protectress, you strive to promote in your Diocese, and, with you, He rejoices in the happy results of which you inform Him, and which are the fruit of this apostolate.

[*Latin ed. p. 354*]

Acts of the Apostolic See. - Official Commentary. 354. With the best of His heart, the Holy Father grants to you, as well as to the Chapter of your Cathedral, to the clergy, and to the faithful of your Diocese, the Apostolic Blessing. I beg you to accept, Monsignor, the expression of my most devoted sentiments in Our Lord. April 27, 1910. R. CARD. MERRY DEL VAL, a. L. © S. Secretis Status. ON THE AUTHORS AND THE TIME OF COMPOSITION OF THE PSALMS. I. Whether the appellations "Psalm of David," "Hymn of David," "Book of Psalms of David," "Psalterium Davidicum," used in ancient collections and in the Councils themselves to designate the Book of the Old Testament containing 150 psalms, and whether the opinion of many Fathers and Doctors, who held that all the psalms of the Psalter should be attributed to David alone, have such force that David must be considered the sole author of the entire Psalter? Answer: No. II. Whether it can be rightly argued, from the agreement of the Hebrew text with the Greek text of Alexandria and other ancient versions, that the titles of the psalms prefixed to the Hebrew text are older than the so-called LXX version; and therefore, whether they derive, not directly from the authors themselves of the psalms, but at least from an ancient Jewish tradition? Answer: Yes. III. Whether the aforementioned titles of the psalms, when there

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is no serious reason against their genuineness, can prudently be called into question by Jewish tradition? Answer: No. IV. Whether, if one considers the frequent testimonies in Holy Scripture concerning David's natural skill, illuminated by the gift of the Holy Spirit, in composing religious songs, the institutions founded by him concerning the liturgical singing of psalms, the attributions of psalms made to him both in the Old Testament and in the New, and also the inscriptions that were prefixed to the psalms from ancient times; moreover, the consensus of the Jews, the Fathers, and the Doctors of the Church, it can prudently be denied that David is the author of the principal songs of the Psalter, or, conversely, can it be affirmed that only a few songs in that region of the Psalter are attributed to him? Answer: No to both parts.

[*Latin ed. p. 355*]

355. Commission concerning Biblical Matters.

V. Whether it can be denied that the Davidic origin of certain Psalms, which are clearly cited under the name of David in the Old or New Testament, among which the following should be included, can be denied: Psalm II, "Why do the nations rage?"; Psalm XV, "Preserve me, O Lord"; Psalm XVII, "I have loved Thee, O Lord, my strength"; Psalm XXXI, "Blessed are those whose iniquities are forgiven"; Psalm LXVIII, "Save me, O God"; Psalm CIX, "The Lord said to my Lord?"

Answer. Negatively.

VI. Whether the opinion of those can be admitted who hold that among the Psalms of the psalter, some are the work of David or of other authors, who, for liturgical and musical reasons, or through the negligence of scribes, or for other unsuitable causes, have been divided into several parts or joined together; and also that there are other Psalms, such as "Have mercy on me, O God," which, in order to better suit the historical circumstances or the solemnities of the Jewish people, have been slightly shortened or modified, by the addition or subtraction of one or another verse, always preserving the inspiration of the entire sacred text?

Answer. Affirmatively to both parts.

VII. Whether the opinion of some recent writers, who, relying solely on internal evidence or attempting a less accurate interpretation of the sacred text, have tried to demonstrate that not a few Psalms were composed after the time of Ezra and Nehemiah, even as far back as the time of the Maccabees, can be maintained?

Answer. Negatively.

VIII. Whether, from the abundant testimony of the sacred books of the New Testament and the unanimous consent of the Fathers, including the writers of the Jewish nation themselves, several Psalms should be recognized as prophetic and messianic, which foretold the coming of the future

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Deliverer, His kingdom, His priesthood, His passion, His death, and His resurrection; and therefore, whether the opinion of those who, distorting the prophetic and messianic character of the Psalms, restrict those oracles concerning Christ to foretelling only the future fate of the exiled people, should be completely rejected?

Answer. Affirmatively to both parts.

On May 1, 1910, after a hearing granted by the Most Holy [Pope] to both Consultors, the aforementioned answers were approved, and it was ordered that they be made public.

Rome, May 1, 1910.

Fulcranus Vigouroux, P.S.S.

Laurentius Janssens, O.S.B.

Consultors.

[*Latin ed. p. 356*]

Acts of the Apostolic See. - Official Commentary. 356. DIARY OF THE ROMAN CURIA. SACRED CONGREGATION OF RITES. On the twenty-fourth day of the current month of May, in the Apostolic Palace at the Vatican, there will be held the Preparatory Congregation of the Sacred Rites concerning the heroic degree of the virtues of the Venerable Anthony Mary Giannelli, Bishop of Bobbio, and Founder of the Daughters of the Blessed Virgin of the Garden.

SECRETARY OF STATE. By the grace of His Holiness, with a note from the Secretary of State and with a Brief, the following were appointed:

March 15, 1910. - The Most Reverend Cardinal Domenico Ferrata, Protector of the Institute of the Religious Sisters of the Sacred Heart of Peru.

May 7, 1910. - The same Most Reverend Cardinal, Protector of the Institute of the Daughters of St. Francis de Sales.

BISHOPS ASSISTING THE HOLY SEE:

January 31, 1910. - Monsignor Giuseppe Altenweisel, Bishop of Bressanone (Brixen).

March 18, 1910. - Monsignor Giuseppe Doubrava, Bishop of Königgrätz.

MASTER OF THE HOLY HOUSEHOLD. By the grace of our Lord, with a note from His Excellency, the Reverend Monsignor, Master of the Holy Household, the following were appointed:

Extraordinary Secret Chamberlains:

April 25, 1910. - The Reverend Father Lorenzo Richen, of the archdiocese of Colonia.

April 30. - The Reverend Father Vincenzo Misuraca.

April 30. - The Reverend Father Filiberto Maria van den Heuvel, of the

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diocese of Bois-le-duc.

Extraordinary Chamberlain of Sword and Cape:

May 2, 1910. - Mr. Adamo Konopka, of the archdiocese of Leopoli.

NECROLOGY.

April 29, 1910. - Monsignor Guglielmo Pifferi, of the Roman Order of St. Augustine, titular Bishop of Porfireone, and Sacristan of His Holiness.

May 7, 1910. - Monsignor Bartolomeo Ortolani, Bishop of Ascoli Piceno.

[*Latin ed. p. 357*]

Year 11. - Volume 11. May 26, 1910. No. 9. OFFICIAL COMMENTARY ON THE ENCYCLICAL LETTER TO THE VENERABLE BROTHERS, PATRIARCHS, PRIMATES, ARCHBISHOPS, BISHOPS, AND OTHER ORDINARYS OF PLACES WHO HAVE PEACE AND COMMUNION WITH THE APOSTOLIC SEE. PIUS PP. X. VENERABLE BROTHERS, GREETINGS AND APOSTOLIC BENEDICTION. Often, as expressed in sacred writings, the memory of the just is eternally praised, and their works, even after death, are long commended. For, indeed, that which is the parent of sanctity and is inflamed by the divine Spirit, and which, as it were, is the most noble example of the just, itself begets, nourishes, and embraces, with its arms, the most excellent example of the just, so that, moved by the instinct of maternal love, it strives most earnestly to preserve the memory and honor of these. From this remembrance, a certain heavenly sweetness is poured forth, and one is drawn away from the miseries of this mortal pilgrimage, because one beholds those blessed citizens of heaven as their joy and their crown; because one recognizes in them the image of the Heavenly Bridegroom; because, with new testimony, they confirm to their children the ancient sayings: those who, called to cooperate in all things according to God, are saints for the good. But these outstanding deeds of theirs are not only pleasing to be remembered, but also illustrious to be imitated, and are a great...

1 Ps. cxi, 7; - Proverbs x, 7; - Hebrews xi, 4.

2 Romans VIII, 14.

3 Romans VIII, 28.

ACTA, vol. II, n. 9. - May 26, 910.

25

[*Latin ed. p. 358*]

Acts of the Apostolic See. - Official Commentary. The exciter of virtue is that harmonious sound of the Pauline saints: "Be ye imitators of me, as also I am of Christ." Because of these things, Venerable Brothers, We, who have recently undertaken the highest office, having declared our intention to strive constantly that "all things may be restored in Christ," have first given encyclical letters to defend the Apostle and Pontiff of our confession, to...

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in the faith and consummation of Jesus. But since it is almost our infirmity to be easily deterred by the vastness of such an example, by the providence of God, another example has been proposed by us, which, as far as human nature allows, is closest to Christ, and which is more suited to our weakness: the Most Blessed Virgin, Mother of God. Finally, we have recalled to the memory of the faithful the heavenly saints, and have presented for common admiration those holy servants and dispensers in the house of the Lord, and, as is fitting for each, His friends and domestics, who, having attained justice through the promises of faith, are no longer little ones, tossed about by every wind, but grow in doctrine, and in the knowledge of Jesus Christ, having been made perfect in all things, as He is the head, and as those who are made like Him, overcoming the instability of truth, and vanquishing the kingdoms of men, through Him who is the head of all things. We have shown that this most excellent plan of divine Providence was perfected in three most excellent men, whom the same age brought forth as great pastors and teachers, though at different times, but equally for the calamitous times of the Church. These are Gregory the Great, John Chrysostom, and Anselm of Canterbury, whose secular anniversaries have occurred during these years. Furthermore, by two Encyclical Letters, given on the 14th of March in the year 1904, and on the 11th of May in the year 1909, the principal tenets of doctrine and the precepts of Christian life were set forth, 1 Corinthians 4:16. Encyclical Letter "E supremi," dated the 4th of October, 1903. Hebrews 3:1; - 12:2-3. Encyclical Letter "Ad diem illum," dated the 9th of February, 1904. Hebrews 11:33. Ephesians 4:11 and following.

[*Latin ed. p. 359*]

359 Encyclical Letters. Since it seemed opportune for these times, we have expanded upon certain examples and warnings drawn from the saints. But because we are persuaded that the examples of Christ's soldiers will be more effective in moving men than elaborate words and discussions, we gladly seize the fortunate opportunity to commend the most salutary institutions received from another most holy pastor, whom God raised up for this age and who has almost been cast aside: the Cardinal of the Holy Roman Church, the Bishop of Milan, Charles Borromeo, who was placed in the list of the saints by Pope Paul V approximately three hundred years ago. Nevertheless, to the point; if we may use the words of our aforementioned Predecessor: "The Lord, who alone works great wonders, has lately chosen to work wonders with us, and through a marvelous dispensation of His providence, He has established a great light above the foundation of the Apostolic See, choosing for Himself from the bosom of the most holy Roman Church, Charles, a faithful priest, a good servant, a model of the flock, a model of pastors. For he, with manifold brilliance of the works of the saints, illuminated the entire Church, both clergy and people, as Abel

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with innocence, as Enoch with purity, as Jacob with patience, as Moses with gentleness, as Elijah with ardent zeal, and he showed the discipline of the body, as Jerome did, amidst the pleasures that abound; humility, as Martin did, in the highest ranks; pastoral care, as Gregory did; freedom, as Ambrose did; charity, as Paul did; and he showed us with his eyes what must be seen and understood, and with his hands how to correct man, who is most pleasing to the world, to present to the world the Crucifix, to live by the spirit, to trample down earthly things, to yoke oneself to heavenly things, and thus, in both mind and deed, to emulate the life of the angels on earth." This our Predecessor wrote exactly five decades after the death of Charles. Now, however, the three hundredth year since the granting of the [encyclical] "E Supremi" has been completed. Furthermore, from the "Unigenitus" Bull of 1610, in the month of November.

[*Latin ed. p. 360*]

Acts of the Apostolic See. - Official Commentary. 360, "Filled with joy, the mouth of Etrun and our tongue exulted on the distinguished day of our solemnity, on which... to Charles, Most Holy Republic, to whom, by the authority of the Lord, we preside, the sacred honors were conferred, as Cardinal Priest, for the awarding of sacred honors, a crown was placed upon the head of his unique Bride, adorned with every precious stone." Furthermore, we have the same confidence as our Predecessor, through contemplation of the glory of the holy man, and even more so through his own writings and examples, that the wickedness of the impious may be weakened and all those who "glory in idols of error" may be confounded. Therefore, the renewed honors of Charles, who has distinguished himself for the betterment of this age in the discipline of the flock and pastors, and who has been an unwearied advocate and author for the correction of sacred matters, and against those new men, for whom the restoration of faith and morals was not intended, but rather their deformation and restriction, will be a model for all Catholics, and will add encouragement to them, so that they may strive with great zeal in the work to which we dedicate so much effort, the restoration of all things in Christ. You have surely discovered, Venerable Brothers, that the Church, constantly agitated, is never deserted by God, nor deprived of all consolation. It is the same Church that He has given to her, to be glorious, or something similar, for it is not that Christ loved... the Church that He might sanctify her, and that she might have and display blemishes or wrinkles, 2 but that she might be holy and without blemish. Moreover, the more abundant license, the more fierce the hostile attacks, the more cunning the snares of error appear to bring about her ultimate ruin, to the point that they drag away not a few of her children into the abyss of vice and impiety, the more clearly is the protection of God experienced. For God causes it to happen that error, whether the impious will it or not, yields to the triumph of truth, which the

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Church diligently guards; that corruption leads to the growth of holiness, of which she herself is the guardian and teacher; that persecution leads to the wonder of salvation from our enemies. Thus it happens that, whenever the Church...

2 From the same Bull, "Unigenitus." Ephesians 5, 25 sqq.

[*Latin ed. p. 361*]

Encyclical Letters. 361. To profane eyes, it often appears that the Church is beset by more severe trials and is almost overwhelmed; yet, at such times, it emerges more beautiful, stronger, and purer, radiating the greatest splendor of virtues. Thus, the supreme goodness of God confirms, with new arguments, that the Church is a divine work; either because, in order to overcome the great harm inflicted upon its members by their unrepenting errors and vices, it must endure such trials; or because it fulfills the word of Christ: "The gates of hell shall not prevail against it" [MATTH. XVI, 18]; or because it confirms that promise: "Behold, I am with you all days, even unto the consummation of the world" [MATTH. XXVIII, 20]; or finally, because it bears witness to the hidden power by which, as Christ promised, a new Paraclete is continually poured forth into it upon its mature ascent to heaven, guarding it and comforting it in all tribulations; the Spirit who will remain with it forever; the Spirit of Truth, whom the world cannot receive, because it does not see Him, nor know Him, because He abides in you, and will be with you [IOAN. XIV, 16 sqq. - 26, 59: - XVI, 7 sqq.]. This life, drawn from God, is the source and strength of the Church; from this it is that, as the Vatican Ecumenical Council states, it is distinguished from all other societies, being endowed with manifest characteristics and "like a raised standard among the nations." Moreover, it cannot be accomplished without a divine miracle that, even as license abounds and its members are widely deficient, the Church, insofar as it is the mystical body of Christ, never descends from the sanctity of its doctrine, laws, and ends; that it derives equal consequences and benefits from the same causes; and that it draws abundant fruits of salvation from the faith and justice of its numerous members. No less evident is the sign of the life drawn from God, which is seen in its constancy and immutability amidst such a flood of vile opinions, in so great a number of betrayals, and in such a multitude of errors, remaining as a pillar and foundation of truth, in one profession of doctrine, in the same communion of sacraments, in its divine constitution, in its governance, and in its discipline.

[*Latin ed. p. 362*]

362 Acta Apostolicae Sedis. - Commentarium Officiale. And in this, there is that which merits great admiration, namely, that it not only resists evil, but also overcomes evil with good, and that it never ceases to pray for both friends and enemies, striving with all its might to achieve this, so that

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both the community of men and individual Christians may be renewed in their institutions. For this is its proper function on earth, the benefits of which even its enemies feel. Here, the marvelous influence of God's providence on the work of restoration promoted by the Church is clearly evident, especially in that age which gave Charles Borromeo as a solace for the good. In that dominion of passions, almost entirely disturbed and obscured by the knowledge of truth, there was a perpetual struggle against errors, and human society seemed to be gathering a grave and pernicious ruin. Among these, proud and rebellious men arose, enemies of the Cross of Christ... who are wise... whose God is their belly 1. These, not correcting their earthly manners, but rejecting the fundamental principles of the Faith, mixed everything together, opening a wider path of license for themselves and others, or, certainly avoiding the authority of the Church and its guidance, they sought to destroy the doctrine, constitution, and discipline of each corrupt prince or people, as if under an imposed yoke. Then, to those to whom the warning applies: imitating the manner of the wicked, "Woe to those who call evil good, and good evil" 2, they called the tumult of rebels and the ruin of faith and morals "restoration," while they themselves claimed to be restorers of the old discipline. In reality, however, they were corrupters, for, having exhausted the strength of Europe through conflicts and wars, the defections and secessions of this time matured, and with a single blow, that threefold struggle, previously separate, was reestablished, a struggle from which the Church has always emerged victorious and unharmed; namely, the bloody conflicts of the early age; then, the domestic plague of errors; and finally, under the guise of defending sacred liberty, the overthrow of discipline and the destruction of the Church, to which perhaps even the Middle Ages did not reach. 1 Philippians, 3:18, 19. 2 Isaiah 5:20.

[*Latin ed. p. 363*]

363 Encyclical Letters. God has set against the multitude of deluded men those who restore the true faith, and these are most holy, who either restrain the precipitous course and rekindle the flame, or who expose the damage caused thereby. Their constant and manifold labor in restoring discipline has been a source of greater solace to the Church, the more grievous this distress, and it has confirmed the saying: "But God is faithful, who will strengthen and keep you from evil." To this joy of the Church was added the singular birth and sanctity of Charles Borromeo, divinely bestowed. In his ministry, as God willed it, he possessed a certain power and efficiency, not only to suppress the audacity of the factions, but also to instruct the children of the Church and to stir them up. He restrained the rash and insane, and dissipated empty accusations, using the most powerful eloquence of all, the example of his life and actions; he raised up the hopes of others, and nourished their zeal. And it was truly wondrous in him that the gifts

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of the true restorer, which we observe separately in others, he received all together from his youth, virtue, counsel, doctrine, authority, power, zeal, and he caused all these to conspire in the defense of the Catholic truth entrusted to him, which was also the purpose of the entire Church, reviving faith that had been dormant in many and almost extinguished, communicating it through wise laws and institutions, restoring collapsed discipline, and vigorously bringing back the clergy and the people to the manner of Christian life. Thus, while he protects all the aspects of the restorer, he no less faithfully fulfills the duties of a good and faithful servant, and then of a great priest, who pleased God in his days and was just in his youth; he is truly worthy that both men of the clergy and the people, the rich and the poor, may contemplate his example; his excellence is praised by the highest bishops and prelates, by whom, obeying the words of Peter the Apostle, he has become a pattern for the flock from his very soul.

[*Latin ed. p. 364*]

Acts of the Apostolic See. - Official Commentary. It is not without reason that Charles, who had not yet completed his twentieth year, attained the highest honors, and was employed in dealing with great and arduous affairs of the Church, and that, through contemplation of divine things, by which he had renewed his soul in a sacred retreat, he strove daily for perfect and complete virtue, and shone forth, a spectacle... to the world [and to angels and to men. Then truly the Lord began, as our remembered Predecessor Paul V said, to manifest His wonders in Charles; wisdom, justice, a burning zeal for divine honor and the upholding of the Catholic name, and above all, the restoration of the Faith and of the entire Church, a task which was being carried out in that august Tridentine Council. These virtues were praised by the same Pontiff and by all posterity, so that Charles was considered a man who, before being a faithful executor, was also a most ardent defender. For without his many vigils, anxieties, and labors, no undertaking was brought to a successful conclusion. But all of this was nothing other than a preparation and a training for life, by which the soul was exercised in piety, the mind in doctrine, and the body in labor, so that the modest young man, aware of his own limitations, was like clay in the hands of the Lord and His Vicar on earth. This, indeed, is the reason for pursuing new endeavors, which those who favor them despise with the greatest folly, when we, without considering it, see the wonders of God brought forth from the shadow and silence of a pious and praying heart, and in that exercise, the seed of future ascent is included, just as in a seed, the hope of a harvest is gathered. Nevertheless, as we mentioned a little above, the sanctity and activity of his life were most fully manifested and bore abundant fruit, when, "having left the splendor and amplitude of the city, the good worker goes into the field which he has received" (Milan), where, by fulfilling his duties day by day, he restored that field, which had

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been deformed and overgrown with weeds by the wickedness of the times, to its former vigor, so that the Church of Milan became a shining example.

[*Latin ed. p. 365*]

365. Encyclical Letters. 1 "of ecclesiastical discipline." He has achieved great renown by conforming the work of restoration to the norms proposed by the Council of Trent not long before. For the Church, understanding well how the senses and the inclinations of the human heart are prone to evil, has never ceased to struggle against vices and errors, and we shall not serve sin unto death, that the body of sin may be destroyed. In this struggle, as it is itself a teacher and is impelled by the grace diffused in our hearts through the Holy Spirit, so it takes the norm of thinking and and acting from the "Doctor of the Gentiles," who says: "Renew your mind, that you may prove what is the will of God, that which is good, and well-pleasing, and perfect." Since the son and restorer of the Church does not consider that he has reached his goal, he declares that he strives only to reach it, forgetting what is behind him, and stretching forward to what lies ahead, I press on toward the goal for the prize of the high calling of God in Christ Jesus. From this it follows that we, united with Christ in the Church, may grow in Him in all things, who is the head of the whole body... He makes growth in Christ, an edification from which His own are formed in charity, and the Mother Church, day by day, more effectively fulfills the sacrament of the divine will of time, to restore all things in Christ, in the dispensation of the fullness of time. These authors, with great zeal for faith and discipline, did not intend to understand these things, to whom the Bull "Unigenitus" is indebted; nor do we understand them better, with whom we must earnestly contend, Venerable Brothers. For these also...

[*Latin ed. p. 366*]

Acta Apostolicae Sedis. - Official Commentary. 366 Their doctrines, laws, and institutions subvert; they possess a ready skill in the language of a more refined humanity, not, indeed, because they neglect to work diligently, but so that, with titles prepared for ostentation, they may more easily conceal the wickedness of their designs. What they are doing, what they are attempting, what they intend to effect, escapes none of you, and their designs have been denounced and condemned by Us. The common goal proposed to them is the secession of all from the faith and discipline of the Church, that ancient and more grievous error which brought Charles' time to ruin, by which, more and more, it decays and spreads within the very veins of the Church, and by which, from absurdly placed extremes, it is led to the utmost. The origin of both plagues is the same; the enemy of man, who, not unaware of the ruin of the human race, has sown tares among the wheat *; the same hidden and dark path; the same progress, the same impetus. For, just as that former one, in its time, inclined the

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best or the common people to oppose each other, so that it might mock and destroy both; so this recent one has exacerbated the mutual envy of nations and the wealthy, so that each, not content with his own lot, lives a most miserable life and incurs the punishment of those who do not seek the Kingdom of God and His justice, but cling to these fleeting things. And this present conflict is made even more serious, because, while in former times, even the most learned men retained certain fixed and established things from the divinely revealed treasure of doctrine, today, those present do not seem to rest until they have seen everything cut away. Once the foundation of religion has been overturned, the very civil bond must necessarily be dissolved. A sad spectacle in the present, a terrifying one for the future; not that the safety of the Church is to be feared, about which divine promises do not allow us to doubt, but on account of the dangers to families and nations, especially those which either foster or more patiently endure this pestilent influence of impiety. 1 MATTH, XIII, 25.

[*Latin ed. p. 367*]

367 Encyclical Letters. Faced with a nefarious and foolish war, powerful allies and supporters are sometimes added, even those who ought to defend our cause and our interests above all others; and the forms of error and the allurements of vice have multiplied so much in various ways that many, even among our own, are seduced, captivated by the appearance of novelty and doctrine, or led by the vain hope that the Church can amicably reconcile itself with the opinions of the age. You understand, Venerable Brothers, that we must vigorously oppose this, and that we must now receive the attacks of the enemy with the same weapons that Borromeo once used. First, since they attack the faith, either openly denying it, or subtly undermining it, or perverting the fundamental doctrines, let us remember what Charles often said: "The first and greatest care of pastors must be devoted to those things which pertain to the Catholic faith, which the Roman Church both reveres and teaches, and without which it is impossible to please God, and to preserve it integrally and inviolably." And again: "In this matter, no effort, as it certainly requires, can be too great." Therefore, we must oppose the "leaven of heretical perversion," which, unless it is restrained, corrupts the entire mass; that is, the false opinions, deceptively presented, which modernism professes, and we must consider, with Charles, that "the greatest care and diligence that a bishop can have is to prevent the crime of heresy from spreading." It is indeed unnecessary to recount the other words of the saint, mentioning the sanctions, laws, and penalties imposed by the Roman Pontiffs on those prelates who were negligent in the care of purging their dioceses of the "leaven of heretical perversion." Nevertheless, it will be helpful to pay close attention to what follows from this. "There-

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fore," he says, "in this perpetual and constant solicitude..."

[*Latin ed. p. 368*]

Acta Apostolicae Sedis. - Official Commentary. 368. The bishop, therefore, must above all be vigilant, so that not only "that most pestilent disease of heresy" may never enter the flock entrusted to him, but that all suspicion may be kept as far away from him as possible. But if, may it please our Lord Jesus Christ, who, out of His mercy, prevents such things, it should happen, he must strive with all his might to remove it as quickly as possible; and those who have been infected with this stain, or are suspected, must be treated according to the prescriptions of the canons and pontifical decrees.

But be warned! The contagion of errors cannot be avoided unless the greatest care is taken in the proper instruction of the clergy and the people. For faith comes through hearing; and hearing comes through the word of Christ. The necessity of impressing these truths upon all ears is now more urgent than ever, since we see a wicked virus spreading through all the veins of the republic, and even in places where one would least expect it. Therefore, let us heed the words of Charles: "If those who are our neighbors are not firmly and steadfastly grounded in the foundations of faith, it is to be feared that they might be led by them into some deceitful and wicked doctrine."

Now, just as in other matters, so too in the case of errors, commerce has increased through more convenient means; we live in a corrupt society, where there is no God; in a desolate land... where there is no truth... and no one who understands it with his heart. Therefore, let us, as Charles said, "have always shown such diligence that all and each of the faithful of Christ may be instructed in the fundamentals of the Christian faith"; and on this very matter, we have written Encyclical Letters as if it were a most important business. Although we also wish to adapt these [things] to ourselves, with a desire that burns with unquenchable fervor, as Borromeo did.

[*Latin ed. p. 369*]

Encyclical Letters. He complains, "that thus far, so much has not been accomplished in this matter"; moreover, we wish to add incentives to all, so that, imitating the example of Charles, they may contribute, according to their own talents and abilities, to the work of Christian restoration. Let fathers of families and lords remember, as that most holy pastor has constantly reminded them, that they should not only provide opportunities for their children, servants, and household members to learn the Christian doctrine, but also impose this duty upon them. Likewise, let it not escape the memory of the clergy that they must diligently attend to the task of imparting the fundamentals of the faith. It is, therefore, necessary that there be more of these schools, sufficient in number and adapted to the

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needs of the Christian people, and that their teachers be men and women of proven integrity, to whom honest men and women may be added as assistants, as the Archbishop of Milan himself prescribes. The urgent need for this Christian institution is clearly evident, considering the course of events in our times, especially in public schools, where, alas, everything that is sacred is treated with ridicule, and where, in place of true knowledge, impiety is propagated through the words and ears of teachers. We call a school, which some, with great injustice, call "neutral" or "lay," when it is nothing other than the tyrannical dominion of a dark sect. You, Venerable Brothers, have proclaimed this new yoke of false liberty with great voice and with good intentions, especially in those places where the rights of religion and the family have been more boldly trampled upon, and where the voice of natural law is suppressed, so that the purity of faith in young people is endangered. We, who have been judged to be the authors of this calamity, which has been brought about by those who demand obedience from others, yet refuse the same obedience to the supreme Lord, have, as we believe, taken steps to ensure that schools of religion be properly established in cities. Although, as you acknowledge, this work has thus far progressed well and prosperously, it is nevertheless greatly to be desired that it may expand ever more widely.

[*Latin ed. p. 370*]

Acts of the Apostolic See. - Official Commentary. 370, that is, so that such teachings may be made known everywhere, and that many instructors may abound, commended by their doctrine and the integrity of their lives. "This salutary discipline, closely connected with the beginnings, is the duty of the sacred orator, in whom those aforementioned virtues are required to a greater degree. Therefore, the studies and counsels of Charles for the provincials in Synods and in dioceses were chiefly directed towards the appointment of preachers, who might diligently and usefully engage in the ministry of the word. And this, and perhaps even more so, is what the present times seem to demand of us, when so many people are losing their faith, and there are those who, eager for glory, indulge in the 'ingenuity of the age,' corrupting the word of God and undermining the nourishment of the faithful. Therefore, we must be exceedingly vigilant, Venerable Brothers, lest the flock be fed by empty men and those carried away by the wind; but rather, let it be strengthened by vital nourishment through those ministers of the word, to whom that belongs from God: "Be reconciled to God," and "ambassadors not for ourselves, but for Christ, as if God were beseeching you through us; in Christ's stead, we beseech you, be reconciled," 1; "we, though we have known Christ in the flesh, now know him thus, stripped of his body," 2; "study to show yourself approved by God, a workman who handles aright the word of truth," 3; "and that you may not be led astray by empty words, but that you may speak to one

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another in psalms and hymns and spiritual songs," 4; "for the word of God is living and powerful, and sharper than any two-edged sword, penetrating to the division of the soul and of the spirit, and of joints and marrow, and discerning the thoughts and intentions of the heart." 5 These most holy and most fruitful norms, which the Archbishop of Milan, using the words of Paul, was accustomed to commend to the faithful, are: "Having received the word of God, you did not receive the word of men, but the word of God, which is indeed powerful and active, and which is able to discern the thoughts and intentions of the heart."

1. 2 Corinthians 5:20.
2. 2 Corinthians 4:2.
3. 2 Timothy 2:15.
4. 1 Thessalonians 5:13.
5. Hebrews 4:12.

[*Latin ed. p. 371*]

371 Encyclical Letters. These, moreover, will wonderfully inflame souls with a desire for virtue; for faith without works is dead, and they are not hearers of the word, but doers of the law, who shall be justified. And in this matter, it can also be seen that the reason for each [type of] restoration is different. For those who defend a false doctrine, imitating the fickleness of the foolish, often rush headlong to extremes, either by presenting faith in such a way that they separate the necessity of acting rightly from it, or by placing all excellence of virtue solely in nature, removing the safeguards of faith and divine grace. Thus, those actions which are guided by natural decency are nothing other than mere representations of virtue, neither truly lasting, nor sufficiently suitable for salvation. Therefore, their action is not directed towards the restoration of discipline, but towards the subversion of faith and morals. On the other hand, those who, following the example of Charles, are friends of truth and are not deceitful, strive for a salutary transformation of things, avoid extremes, and do not exceed certain limits, beyond which no restoration can stand. Indeed, firmly adhering to the Church and to its Head, Christ, they not only draw strength for their inner life from this, but also measure the extent of their external actions, so that they may safely undertake the work of restoring human society. It is the very nature of this divine mission, perpetually transmitted to those who would fulfill the legation of Christ, to teach all nations, not only those things that pertain to believing, but also all things that pertain to acting, that is, whatever I have commanded you. And life, Christ Himself said: "This is the way: to keep the commandments." For it is most difficult to retain these things solely through nature, and even more than human strength itself can achieve by itself; therefore, the Church, in addition to its teaching, has Christian discipline. James II, 2; Romans II, 1; Matthew XXVIII, 18, 20; John

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5; John X, 10; John xiv, 6.

[*Latin ed. p. 372*]

Acta Apostolicae Sedis. - Official Commentary. The purpose of this society, and its ministry for the establishment of all holiness, is to provide suitable and necessary instruments for salvation, through those who, according to their own state and office, offer themselves as ministers and helpers. Understanding this clearly, those who are the true authors of restoration do not, in order to preserve the root, restrain [growth], that is, they do not separate faith from the holiness of life, but rather they foster and cherish both with the breath of charity, which is the bond of perfection. These same individuals, hearing the Apostle, say, "Guard the deposit," not so that they may conceal the knowledge of it from the Gentiles, or hide the light, but so that they may open wider the most salutary streams flowing from that source of truth and life. And to this, they add doctrine for instruction, using it to prevent the circumvention of error, and this to lead to the precepts in morals and in the actions of life. Therefore, they provide all instruments that are either suitable or necessary, both for the uprooting of sin and for the consummation of the saints, and for the sanctification of the Body of Christ. To this work of ministry, the statutes, canons, and laws of the Fathers and Councils pertain; to this, all forms of doctrine, governance, and beneficence; and finally, to this, the entire discipline and action of the Church. The true son of the Church, with attentive eyes and heart, beholds these masters of faith and virtue, to whom his own improvement and that of others is proposed. With these authors, whom he frequently mentions, Borromeo strives to restore the discipline of the Church; as he writes: "We have followed the custom and authority of the holy Fathers and of the sacred Councils, especially of the Œcumenical Council of Trent, and we have established many things concerning them in our preceding Provincial Councils." He also declares that he is guided by public policies to restrain corruption, and by the laws of the canons and the sacred sanctions, and especially by the decrees of the Council of Trent.

[*Latin ed. p. 373*]

Encyclical Letters. 373 Not content with this, in order to better safeguard himself lest he might ever deviate from that norm, he concluded in the provincial Synods as follows: "All and each of the things which we have decreed and enacted in this provincial Synodo, we subject to obedience and reverence, to the authority and judgment of the Holy Roman Church, mother and teacher of all churches, always to be amended and corrected." He showed a will even more inclined to this, as he strove daily for the perfection of an active life; not only did he occupy the chair of Peter for a long time, but also, while assisting those who succeeded him, Pius V and Gregory XIII, he proved himself a valuable associate in the most important

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matters, and he abundantly responded to their expectations. Above all, he obeyed their will in matters conducive to the purpose he had set for himself, that is, the restoration of sacred discipline. In this matter, he was entirely different from those who feign a greater zeal for study to conceal their obstinacy. Therefore, beginning his judgment from the house of God, he first applied himself to bringing the discipline of the clergy into conformity with certain laws; for this purpose, he established seminaries for the training of students of the sacred order, he instituted congregations of priests, to which he gave names, he added religious families, both old and new, he convened councils, and, having sought assistance from everywhere, he began and diligently carried out his work, increasing it. Soon, not remiss in amending the morals of the people, he acted as if he had heard what was said to the prophets of old: "Lo, I have set thee this day over the nations, and over kingdoms, to root up, and to pull down, and to waste, and to destroy, and to build, and to plant." Therefore, the good pastor, himself examining the churches of the province, and following the example of the Divine Master, went about doing good and healing the wounds of the flock; he diligently sought out the inconveniences, whether arising from ignorance or neglect of the laws, and strove with all his might to remove and eradicate them; opinions

[*Latin ed. p. 374*]

374. Having devoted his life and energies to combating the excesses of banquets and dissolute living, he opened to himself, as it were, the games of childhood and the gatherings of young men; he increased the associations of Mary, which he had first established in the city; he opened hostels for adolescents; he provided refuge for young girls, widows, and others, both men and women, who were in need or weakened by age or illness; he protected the poor from the tyranny of unjust lords, from usurious loans, from the abduction of children, and from many other similar evils. He accomplished all of this in such a way that he abhorred, with all his heart, the practices of those who, in their eagerness to restore the Christian republic, stir up and agitate everything with vain clamor, forgetting the divine precept: "For the Lord is not in tumultuous works." Indeed, another mark, as you have learned by experience, Venerable Brothers, by which true restorers of the name are distinguished from the false, is that they seek what is their own, not what belongs to Jesus Christ, and they listen with attentive ears to insidious words addressed to the Master, converting them: "Manifest yourself to the world," they cry out, "Let us make a name for ourselves." Because of this audacity, which we often lament even now, priests have fallen in battle, eager to fight bravely in the fray, but without counsel. On the contrary, he who strives with a sincere heart to lead a society of men to better things, does not seek his own glory, but the glory of Him who sent him; and conforming himself to the example of Christ, he

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will not contend in the streets, nor will he cry out, nor will anyone hear his voice; but with a meek and humble heart, he will not be sad nor faint, but will. Here he will be approved by God and will obtain the greatest fruits of salvation.

xix, turbulentus

1 III Kings.

2 Philippi, II, 21.

3 John, VII, 4.

4 1 Maccabees, V, 57, 67.

5 John, VII, 18.

6 Isaiah, XLII, 2 sq. - Matthew, XII, 19.

7 Matthew, XI, 29.

[*Latin ed. p. 375*]

Encyclical Letters. 375 In this also, they are distinguished from one another, because one, relying only on human powers, trusts in man and makes flesh his support; while the other places all his trust in God, expecting all strength and power from Him and from heavenly powers, as the Apostle says: "All things are possible to me who believe." These graces, of which Christ has abundantly poured forth, the faithful seek within the Church for the common good, and especially through prayer, sacrifice, and the sacraments, which are like a fountain of living water for eternal life. All these things are unjustly rejected by those who, following crooked paths and forsaking God, strive for the work of restoration, and who never cease to deprive others of these purest consolations, or, at the very least, to make them turbulent, so that the Christian flock may be kept away from them. In this matter, indeed, the more recent followers act most disgracefully, who, using a certain appearance of a more noble religion, diminish these aids to salvation and treat them with contempt, especially the two sacraments by which either sins are forgiven through penance, or the soul is strengthened by heavenly nourishment. Therefore, everyone should take the utmost care that these gifts of such great value are held in the highest honor, and that the efforts of men should not restrict the work of divine charity in either case. Thus acted Borromeo, of whom we read among other things: "The more abundant the fruit of the sacraments is, so that its power cannot easily be explained, so much the more diligently must it be drawn forth and received, with internal piety and external reverence and veneration." Let us also remember those things worthy of remembrance, by which the prelates and other sacred synods vehemently urge others to restore the former custom of frequent tasting of the heavenly food; which We have decreed, beginning with the Council of Trent. "For the most wholesome Eucharist," says the saintly Shepherd, "JER. XVII, 5.

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PHILIP, IV, 13. JOHN, 4. Conc. Prov. I, Part I, II, IV, 14. "Frequently..."

[*Latin ed. p. 376*]

Acta Apostolicae Sedis. - Commentarium Officiale. 376 for the purpose of receiving, the parish priests... and confessors should also very frequently exhort the people, using the institutions and examples of the nascent Church, and the most serious voices of the Fathers, and the abundant teaching of this very type of Roman Catechism, and finally, the opinion of the Council of Trent, which indeed desired that the faithful, at each Mass, should communicate not only with spiritual affection, but also with a sacred mental perception of the Eucharist. And with what mind one should approach this sacred banquet, it teaches with these words: "The people, when they are encouraged to frequently receive the Holy Sacrament, should also be reminded how unworthy it is to approach that divine food with a frivolous and sinful disposition." Indeed, such diligence seems most necessary in these times of waning faith and languishing charity, lest the due reverence for this mystery, through frequent use, be diminished, but rather that it may be the cause for which a man strives to improve himself, and thus partake of that bread and drink from that chalice. From these sources, a rich stream of grace will flow, nourishing both human and natural endeavors. For the actions of a Christian man, which are useful and aids to life, are derived from the same God, the author of grace and nature; but let him be very careful that the end and, as it were, the beatitude of the whole life is not placed in the pursuit and enjoyment of external things and goods of the body. Therefore, those who wish to use these things properly and temperately, should direct them towards the benefit of souls, obeying the command of Christ: "Seek first the kingdom of God and his justice, and all these things shall be added to you" (MATTH. VI, 33). This ordered and wise use of things is not only far from being contrary to the good of the lower order, that is, civil society, but rather it greatly promotes the good of this order; and not through empty words, which is the manner of contentious men, but through the thing itself and in the highest degree.

[*Latin ed. p. 377*]

Encyclical Letters. 377 with ardor, even to the point of sacrificing goods, strength, and life. Many sacred prelates, eager to emulate the zeal of Charles, offer striking examples of fortitude, and, when the Church is afflicted, they make the words of the Divine Master effective: "No one hath given up his life for the cupidity, 1 for his sheep." These men, indeed, are drawn to dedicate themselves to the common good, not for the sake of glory or any private advantage, but through that charity which never fails. Inflamed by this flame, which hides itself from profane eyes, Borromeo, when he had put himself in mortal danger by attending to the sick afflicted

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with plague, nevertheless, not content with confronting the present evils, showed his concern for the future, saying: "It is clearly fitting that, just as the best of fathers, who loves his children, looks to their present and future, and prepares for them what is necessary for the cultivation of life; so too, moved by the office of paternal charity, we, with all diligence, consider the faithful of our province in this fifth provincial council, and provide for what we have learned through experience to be salutary aids in times of pestilence." The same studies and plans of a provident mind are, Venerable Brothers, carried out through that Catholic action, which we so often commend. In another part of this vast ministry, which encompasses all the duties of mercy, 3 and the eternal kingdom to be given, chosen men are also called to the people. And when they have once undertaken this burden, they must be prepared and instructed to dedicate themselves completely, and all that they are, to this most excellent cause, to withstand envy, reproach, and the offense of many, who repay benefits with evil deeds, knowing that they must labor as through patience the author of faith, 10 IOAN. x, 11. 2 Conc. Prov. V, Pars I. 3 MATTH. 4, 5; XXV, 34 sq.; Tim. u, 3; Hebr. XII, 1, 2. 4 The good soldier of Christ, to the purpose and to us consummator, 5 and striving.

[*Latin ed. p. 378*]

Acta Apostolicae Sedis. - Official Commentary. 378 Indeed, this was a type of struggle, but one that greatly contributed to the good of the state, even if complete victory was delayed. In these matters, one can also observe the illustrious example of Charles, and from it, derive what each person should imitate according to their own circumstances, and by which they can strengthen their spirit. For he possessed such singular virtue, such remarkable prudence, and such abundant charity, that he himself felt this law: "And all that will live godly in Christ Jesus shall suffer persecution." Therefore, because he followed a path of a more rigorous life, always maintaining what was right and honest, and because he was an incorruptible defender of the laws and of justice, he gathered envy against himself from the very beginning; he was subjected to the skillful arts of those experienced in governing the republic; he had enemies among the magistrates; he aroused suspicion among the nobility, the clergy, and the people; and finally, he incurred the capital hatred of wicked men, who even sought his death. Despite all of this, he remained steadfast with an unyielding spirit, being mild and of a pleasant disposition. Not only did he not yield in matters that would harm the faith and morals, but he did not even exempt himself from resisting demands that were contrary to discipline or harmful to the faithful people, even if these demands were presented by a very powerful and otherwise Catholic king. Moreover, he remembered the words of Christ: "Render therefore unto Caesar the things that are Caesar's, and unto God the things that are God's," and the voice of the apostles: "It

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is necessary to obey God more than men," and he merited this not only for the sake of religion, but also for the sake of civil society itself, which he rescued from certain death, being driven by sound judgment and diverting the waves of sedition that arose spontaneously. Indeed, the same praise and gratitude are due to Catholic men of this time, and to their zealous leaders, the bishops, to whom no part of their duties, which are those of citizens, can ever be lacking, whether it concerns lords commanding the just observance of faith, or the reverent rejection of their unjust commands.

[*Latin ed. p. 379*]

Encyclical Letters. 379: The license granted to those who fall into sedition and disturbances, and the servile abasement with which they accept, as sacred laws, the impious statutes of the worst of men, who, under the false name of liberty, pervert all rights, and impose the harshest servitude. These things are indeed carried out before the eyes of the entire world and in the full light of present humanity, especially among a certain people, where it seems that the power of darkness has established its seat. Under this powerful dominion, all the rights of the children of the Church are most grievously trampled upon, and in the leaders of the republic, all sense of magnanimity, urbanity, and faith is utterly extinguished, virtues by which their fathers, distinguished with the Christian title, shone for so long. Therefore, it is clear that, once hatred is conceived for God and for the Church, all things are referred back to the past, and to the ferocity of ancient liberty, or rather, to the most cruel yoke, and that, through the one Family of Christ and its established discipline, the necks are driven headlong. Or, as Charles himself indicated, "it is certain and well-known that nothing offends God more grievously, nor provokes Him to greater anger, than the stain of heresy; and that nothing has greater power to bring about the ruin of provinces and kingdoms than that most terrible plague." Although, the present conspiracy against Christian peoples, aiming to tear them away from the bosom of the Church, is to be considered even more pernicious. For, in the greatest divergence of opinions and wills, which is the proper mark of those who stray from the truth, the enemies agree on one thing, namely, in the persistent attack on justice and truth; and since the Church is the guardian and avenger of both, they make an assault upon her in this very matter. And while they claim to be neutral in all parties, or even to foster the cause of peace, with honeyed words, but with hidden designs, they are truly doing nothing other than laying snares, adding to the damage mockery, fraud, and violence. Therefore, a new kind of struggle is being waged against the Christian name in these days; the mass of the war is being gathered, far more dangerous than the battles previously fought,

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from which Borromeo collected so much glory. 1 Conc. Prov. V. Pars. I.

[*Latin ed. p. 380*]

Acts of the Apostolic See. - Official Commentary. 380. Taking these examples as models for us all, and as evidence concerning the most important matters, in which both private and public well-being are contained, namely, concerning faith and religion, concerning the sanctity of public law, we will proceed with eager and steadfast zeal; compelled, indeed, by a grievous necessity, but at the same time rejoicing in the confidence that the Almighty God will hasten to grant victory to those who fight in His ranks. To this confidence, the achievements of the Carolian work, produced up to this time, add strength and power, whether for curbing the excesses of minds, or for firmly establishing all things in Christ, in the pursuit of a holy purpose. Although now, Venerable Brothers, it is fitting to conclude with the very words with which our aforementioned Predecessor, Paul V, issued the decrees granting Charles the highest honors: nevertheless, it is right that we give glory and honor and blessing to Him who lives forever and ever, who has blessed our servant in every spiritual blessing, that he might be holy and blameless before Him, and when the Lord has granted us such a shining star in this night of sin and our tribulations, let us approach divine clemency with mouth and deed, beseeching that Charles, whom the Church so ardently loved, may also benefit the Church through his merits and example, that he may be a patron, and in times of anger, may reconciliation be brought about, through Christ our Lord. To these prayers, let the auspicious blessing of the Apostles be added, which we impart with great affection to you, Venerable Brothers, and to your clergy and people. Given in Rome, at Saint Peter's, on the twenty-sixth day of the month of May, in the year 1910, in the seventh year of Our Pontificate.

PIUS PP. X

Bull "Unigenitus".

[*Latin ed. p. 381*]

(Translation). ENCYCLICAL LETTER TO THE VENERABLE BROTHERS, PATRIARCHS, PRIMATES, ARCHBISHOPS, BISHOPS, AND OTHER ORDINARIES, WHO HAVE PEACE AND COMMUNION WITH THE APOSTOLIC SEE, PIUS PP. X. VENERABLE BROTHERS, GREETINGS AND APOSTOLIC BENEDICTION.

That which the divine Word frequently proclaims in the sacred Scriptures, namely that the just shall live forever, and that even in death, he speaks; this is most truly fulfilled in the voice and continued work of the Church. For the Church, as a mother and nurse of sanctity, ever renewed and made fruitful by the breath of the Holy Spirit, which dwells within us,

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is alone able to generate, nourish, and raise in her bosom the most noble offspring of the just; and thus, she is most eager, almost by an instinct of maternal love, to preserve their memory and to keep it alive in love. From this remembrance, she receives almost a divine comfort, and turns her gaze away from the miseries of this mortal pilgrimage, while already seeing in the saints her joy and her crown, recognizing in them the sublime image of her heavenly Spouse, and instilling in her children a new testimony of the ancient saying: "All things work together for good, to them that love God, to those who, according to the divine purpose, have been called to be saints." Neither are their glorious works merely a comfort to the memory, but also a light for imitation and a strong incentive to virtue, through that unanimous echo of the saints which responds to the words of Paul: "Be ye followers of me, even as I am of Christ." (1 Corinthians 4:16)

* Psalm 111:7; Proverbs 10:7; Hebrews 11:4.

* Romans 8:11.

* Romans 8:28.

[*Latin ed. p. 382*]

Acta Apostolicae Sedis. - Commentarium Officiale. 382 Per these reasons, "Venerable Brothers, while We, having just assumed the Supreme Pontificate, signified Our intention to strive constantly that « all things may be restored in Christ », in Our first Encyclical Letter We earnestly endeavored to make all turn their gaze to Jesus, Apostle and High Priest of our confession... Author and Finisher of faith. But because Our weakness is so great that we are easily overwhelmed by the magnitude of so excellent an example, for the benefit of Divine Providence, We had another model to propose, which, although as close to Christ as is possible in human nature, is more suitable to our weakness, namely, the Most Blessed Virgin, Augusta Mother of God. Finally, seizing various opportunities to revive the memory of the saints, We proposed these faithful servants and dispensers in the house of God, according to their own rank, friends and companions of Him, as those who, through faith, conquered kingdoms, wrought justice, and obtained promises, that, spurred on by their examples, we may no longer be children, wavering and carried about by every wind of doctrine, by the trickery of men, by craftily woven deceit; but continuing in the truth in love, may grow up into Him in all things, Who is the Head, Christ. 1 2 3 4 5 This most exalted counsel of Divine Providence We have shown to have been fulfilled in three outstanding figures, in whom great pastors and doctors flourished in very different, but almost equally calamitous, times for the Church: Gregory the Great, John Chrysostom, and Anselm of Aosta, of whom solemn centennial celebrations occurred in these recent years. Thus, especially in the two Encyclical Letters, dated March 1, 1904, and April 21, 1909, We explained those points of doctrine and precepts of Christian life, which We deemed suitable for our times, which are gathered from the

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examples and teachings of the saints. And since We are persuaded that the illustrious examples of the soldiers of Christ are far more effective in stirring the minds and moving them than are words or elaborate treatises, We now..."

[*Latin ed. p. 383*]

Encyclical Letters. 383. We gladly seize another happy opportunity to commend the most useful writings of another holy Pastor, raised up by God in our times, almost amidst the very same storms, Cardinal of the Holy Roman Church and Archbishop of Milan, enrolled among the saints by Pope Paul V of blessed memory, namely, Charles Borromeo. However, let us proceed; for, to use the words of our Predecessor, "The Lord, who alone works great wonders, has accomplished magnificent things with us in these latter times, and through the wondrous operation of His providence, He has erected upon the rock of the Apostolic See a great light, choosing from the bosom of the most holy Roman Church, Charles, a faithful priest, a good servant, a model for the flock and a model for pastors. Indeed, he, with a manifold brilliance of holy works, illuminates the entire Church, and shines before priests and the people as Abel for innocence, Enoch for purity, Jacob for the suffering of labors, Moses for gentleness, and Elijah for ardent zeal. In him, we see an imitation of the austerity of Jerome amidst the abundance of delights, the humility of Martin in the highest offices, the pastoral solicitude of Gregory, the freedom of Ambrose, the charity of Paulinus, and finally, we are shown, with our own eyes, and we touch with our own hands, a man who, while the world smiles at him with the greatest blandishments, lives crucified to the world, lives by the spirit, despising earthly things, constantly seeking heavenly things, not only fulfilling the office assigned to him in place of an angel, but emulating in this earthly life the thoughts and works of the angels." Thus spoke our Predecessor, five decades after the death of Charles. And now, after three centuries since the glory decreed to him, it is fitting that our lips be filled with joy and our tongue with exultation on this illustrious day of our solemnity, when, by decreeing the sacred honors to Charles, priest and Cardinal of the Holy Roman Church, to which We, by the appointment of the Lord, preside, a rich crown of every precious stone was added to His only Spouse." Thus, We share with our Predecessor the conviction that from the contemplation of the glory, but even more from the teachings and examples of the Saint, the arrogance of the world may be humbled. 1 Ex Bulla "Unigenitus" Cai. Nov. anno MDCX.

[*Latin ed. p. 384*]

Acta Apostolicae Sedis. — Commentarium Officiale. 384. Confundantur omnes qui « gloriantur in simulacris errorum ». Quare, renovata gloria Caroli, exemplaris gregis et pastorum in temporibus modernis, et as-

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sidua defensoris verae reformationis catholicae contra illos novatores recentes, quorum intentio non erat restauratio, sed potius deformatio et destructio fidei et morum, post tres saecula omnibus catholicis fiet singulari consilio et eruditione, sicut nobili incitamento ad omnes ut strenue cooperentur ad operam quae tam carissima est Nobis, restorationem omnium in Christo. Certo, Venerabiles Fratres, est bene notum, quamquam Ecclesia continuo tribulationibus affligitur, numquam a Deo privatur omni consolatione. Quia Christus eam dilexit et seipsum dedit pro ea, ut sanctificaret et praeferret eam coram ipso in gloria, immaculata, sine macula nec ruga nec alia talis, sed ut sit sancta et immaculata. Immo, quando plus dissolutio morum, plus ferocia impetus persecutionis, plus astutia insidiae erroris videntur minare eam extrema ruina, usque ad eripiendam a sinu eius non paucos filios, ut conterantur in vortice impietatis et vitiorum, tunc Ecclesia experimentatur divinam protectionem efficacius. Nam Deus facit ut error ipse, voluntate malorum an non, ad triumphum veritatis serveat, cuius Ecclesia est vigilant custos; ut corruptio ad incrementum sanctitatis serveat, cuius ipsa est autrix et magistra; ut persecutio ad mirabilior liberationem ab inimicis nostris serveat. Sic accidit ut, cum Ecclesia in oculis profanis a ferociori tempestate pulsata et quasi submersa videtur, ex ea orietur pulchrior, vigorosa, purior, resplendens in splendore virtutum maiorum. 2. Sic summa benignitas Dei confirmatur novis argumentis, quod Ecclesia est opera divina; sive quia in probationibus dolorosissimis, errorum et criminum quae in ipsas eius membra intrant, ea superat contentionem; sive quia ostenditur adimplemur dictum Christi: Porta gehennae non praevalebit contra illam; sive quia comprobatur de facto promissio: Ecce ego vobis sum usque ad finem saeculi.

[*Latin ed. p. 385*]

385 Encyclical Letters. At the close of the century, both because they bear witness to that mysterious virtue by which another Paraclete, promised by Christ upon His swift return to Heaven, continually pours forth His gifts into her, and defends and consoles her in every tribulation; a Spirit which remains with her eternally; a Spirit of truth which the world cannot receive, because it does not see it, nor know it, because He will dwell with you and be in you. From this source flows the life and strength of the Church; and from this also, her distinction from every other society, as the Ecumenical Council of Vatican teaches, by those manifest notes by which she is marked and constituted, "as a banner raised up among the nations." 2 3 Indeed, only by a miracle of divine power can it happen that, amidst the flood of corruption and the frequent failings of her members, the Church, as the mystical body of Christ, remains steadfast in the sanctity of her doctrine, her laws, and her purpose; and that from these very sources she draws forth abundant fruits of salvation. No less clearly does the seal of her divine life appear in the fact that, amidst so much and such shameful a deluge

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of perverse opinions, amidst so great a number of rebels, and amidst the manifold variety of errors, she perseveres immutable and constant, as a pillar and support of the truth, in the profession of the same doctrine, in the communion of the same sacraments, in her divine constitution, in her governance, and in her morality. And this is all the more wondrous, because she not only resists evil, but overcomes evil with good, and she blesses both her friends and her enemies, while striving and yearning to effect the Christian renewal of society, as well as of individuals. For this is her proper mission in the world, and even her enemies feel the benefits of it. Such a wondrous influence of divine Providence in the restorative work promoted by the Church is splendidly evident in that century which saw the rise of St. Charles Borromeo, a comfort to the good. At that time, when passions were rampant, and the knowledge of the truth was almost entirely obscured, there was a continuous struggle against errors, and human society was plunging into [the abyss].

1 2 MATTHEW XXVIII, 2. JOHN XIV, 16 sqq. - 2 6, sqq. - XVI, 7. Session II, Constitution *De Filius*, chapters 3, sqq.

[*Latin ed. p. 386*]

Acta Apostolicae Sedis. - Commentarium Officiale. 386. Worse still, it seemed to be rushing towards the abyss. Among these evils arose proud and rebellious men, enemies of the Cross of Christ... men of earthly sentiments, whose God is their belly. These, instead of seeking to correct morals, sought to deny the dogmas, multiplying disorders, extending to themselves and others the yoke of license; and, despising the authoritative guidance of the Church, according to the passions of the most corrupt princes or peoples, they overturned, with a kind of tyranny, its doctrine, its constitution, its discipline. Thus, imitating those unjust men to whom the threat is directed: "Woe to you who call evil good, and good evil," they called this tumult of rebellion and this perversion of faith and morals "reform," and they called themselves "reformers." But in truth, they were corrupters, so that, by undermining the forces of Europe with dissensions and wars, they prepared the rebellions and the apostasies of modern times, in which those three kinds of struggles, previously distinct, were renewed together in a single surge, from which the Church had always emerged victorious: the bloody struggles of the early age, then the domestic plague of heresies, and finally, under the name of evangelical liberty, that corruption of vices and perversion of discipline, to which perhaps the medieval age had not yet reached.

2. To this throng of seducers, God opposed true reformers, holy men, both to restrain that impetuous current and to extinguish that boiling, and to repair the damage already caused. Therefore, their constant and manifold work in the reform of discipline was of such great comfort to the Church, as the tribulation that afflicted it was more grievous, and it con-

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firmed the saying: "God is faithful; he will not let you be tempted beyond what you can bear, but will with the temptation provide a way of escape" (1 Corinthians 10:13). In such circumstances, the industry and singular holiness of Charles Borromeo, by divine providence, added to the consolation of the Church. But his ministry, so arranged by God, had a force and efficacy of its own, not only to weaken the audacity of the factions, but also to instruct and invigorate the children of the Church. From the former, he repressed their foolish endeavors and refuted their futile accusations, with the most powerful eloquence, with the example of his life and his industry; from the latter, he raised up their spirits.

[*Latin ed. p. 387*]

Encyclical Letters. 387. Hopes were revived, and it was truly a marvelous thing how he, from his very youth, gathered within himself all those qualities of a true reformer, which we see dispersed and fragmented in others: virtue, wisdom, doctrine, authority, power, zeal; and he made use of all of these together in the defense of the Catholic truth against the encroaching heresies, which was also the proper mission of the Church, awakening the dormant faith in many and almost extinguished, strengthening it with prudent laws and institutions, raising up the fallen discipline, and strenuously restoring the customs of the clergy and the people to a Christian way of life. Thus, while fulfilling all the duties of a reformer, he also fulfilled in due time all the offices of a good and faithful servant, and later those of a great priest, whom God loved in his days and found just, and therefore worthy to be taken as an example by all classes of people, whether of the clergy or the laity, whether rich or poor; as one whose excellence is summarized in that praise proper to a bishop and a prelate, for whom, obeying the words of the Apostle Peter, he made himself, in his heart, a model for the flock. Nor is it of less admiration the fact that Charles, not yet having completed his twenty-third year, although elevated to the highest honors, and entrusted with the great and most difficult affairs of the Church, was daily advancing more and more in the perfect exercise of virtue, through that contemplation of divine things, which had already renewed him in sacred solitude, and shone as a spectacle to the world, to the angels, and to men. 1 Then truly, to use the words of our aforementioned predecessor, Paul V, the Lord began to show His wonders in Charles; wisdom, justice, ardent zeal in promoting the glory of God and the Catholic name, and above all, care for that work of restoration of the faith and the universal Church which was agitating the august Council of Trent. The celebration of this Council is credited to him by the same Pope and by all posterity, inasmuch as he, before being its most faithful executor, was its most effective supporter. And certainly, without many of his vigils, hardships, and labors, that work did not reach its final completion. Yet all these things were nothing but a preparation. 1

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1 Peter v, 3.

[*Latin ed. p. 388*]

Acts of the Apostolic See. - Official Commentary. 388 a period of formation and a practical apprenticeship, in which the heart was cultivated with piety, the mind with study, and the body with labor, the young man preserving a certain modesty and humility, as if clay in the hands of God and His Vicar on earth. And such a life of preparation was that which the proponents of novelty then scorned, and which, with the same folly, moderns scorn today, not realizing that the wondrous works of God mature in the obscurity and silence of a soul dedicated to obedience and prayer, and that in this preparation lies the seed of future progress, just as in sowing lies the hope of the harvest. Nevertheless, the holiness and activity of Charles, who was then preparing himself with such splendid prospects, unfolded and bore prodigious fruit, as we mentioned above, when he, "being a good worker, having left the splendor and majesty of Rome, withdrew to the field that he had taken up (Milan), and by diligently cultivating it, he restored that field, which had already been disfigured by weeds and thorns due to the sadness of the times, to such splendor that he made the Church of Milan a most clear example of ecclesiastical discipline." He obtained so many and such illustrious results by conforming his work of reform to the norms proposed shortly before by the Council of Trent. Indeed, the Church, well understanding how sentiments and thoughts of the human mind are inclined to evil, does not cease to combat vices and errors, so that the body of sin may be destroyed and we may no longer serve sin. And in this struggle, as she is a teacher to herself and guided by the grace that is diffused in our hearts through the Holy Spirit, so she takes her rule of thought and action from the Apostle of the Gentiles, who says: "Be transformed by the renewal of your mind." - "And do not be conformed to this world, but be transformed by the renewal of your mind, that you may prove what is the will of God, what is good and acceptable and perfect." Nor does the son of the Church, a sincere reformer, ever persuade himself that he has reached the goal, but he only strives to reach it together.

[*Latin ed. p. 389*]

389 Encyclical Letters. With the Apostle: Forgetting what lies behind me, and stretching myself towards what is before me, I advance towards the goal, towards the prize of the heavenly vocation in Christ Jesus. Thus, united with Christ in the Church, we grow in all things in Him, who is the Head, Christ, from whom the whole body derives its growth for its own perfection in charity, and the Church, the Mother, ever more fulfills that mystery of the divine will, to restore all things in Christ. These things the Reformers did not consider, against whom Charles Borromeo opposed himself, presuming to reform faith and discipline according to their own

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whims; nor do the moderns understand them better, against whom we have to contend, Venerable Brothers. These also subvert the doctrine, laws, and institutions of the Church, always having on their lips the cry of culture and civilization, not because this is very dear to them, but because with these grand names they can more easily conceal the wickedness of their intentions. Whatever their aims may be, whatever their plots, whatever the path they intend to follow, none of you are ignorant of it, and their designs have already been denounced and condemned by Us. They propose a universal apostasy from the faith and discipline of the Church, an apostasy far worse than that ancient one which endangered the age of Charles, inasmuch as it more subtly insinuates itself in the very veins of the Church, and draws extreme consequences from erroneous principles.

2. 3. However, the origin of both is the same: namely, the enemy of man, who, always eager for the destruction of men, sowed tares among the wheat: similar are the paths, dark and treacherous; similar the process and the final outcome. For just as in the past, the first apostasy, turning its fortunes, stirred up one against the other, either the class of the powerful or the common people, in order to destroy both in perdition, so this modern apostasy exacerbates the odious hatred between the poor and the rich, so that discontented with their lot, everyone may lead a more miserable life and pay the price.

4. 1. 2. 3. 4. Philippians, 13, 14. Ephesians, 4, 15, 16. Ephesians, 1, 9, 10. Matthew, 13, 25. Acts, vol. II, n. 9. - 26^5-910. 27

[*Latin ed. p. 390*]

Acta Apostolicae Sedis. - Commentarium Officiale. 390. Quae omnia sunt quae immutant eos qui sunt fixi in rebus terrenis et caducis, et qui non quaerunt regnum Dei et justitiam eius. Immo, praesens conflictus etiam gravatur ab hoc, quod illi qui olim, turbulenti novatores temporum, aliquid tenuerunt ex thesauro doctrinae revelatae, hodie non vident se dare quietem donec non viderint totam illam dispersam. Nunc, cum fundamentum religionis ita subvertitur, necessarium est etiam vinculum societatis civiles dissolvi. Spectaculum triste praesens, minacans futura; non quia est timendum pro incolumitate Ecclesiae, de qua non dubitant promissae divinae, sed propter pericula quae superant familias et nationes, praesertim illas quae fomentant cum plus studio, vel tolerantes cum plus indifferencia, hunc pestiferum spiritum impietatis. Inter tam empiae et stolidae bellum, moventum et propagatum alicubi auxilio eorumdem qui maxime deberent nos sustentare et causam nostram; inter tam multam mutationem errorum et tam variam blanditionem vitiorum, quae ab aliis et ab aliis multi nostri seducuntur, lustrati ab apparen tia novitatis et doctrinae, aut ab illusione quod Ecclesia possit amice concordare cum maximis saeculi; vos bene intenditis, Venerabiles Fratres, quod omnes nos debemus opposere vigorosa resistentia et refellere

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impetus inimicorum hisdem armis, quae olim Borromeus utebatur. Et primo, cum ipsi adgreduntur roccam quae est fides, sive per apertam negationem, sive per hypocritam impugnationem, sive per pervertendae doctrinae, meminerimus quod Sanctus Carolus saepe inculcabat: "Prima cura pastorum debet esse de rebus quae pertinent ad conservandam integritatem fidei catholicae, illius fidei quam Sancta Romana Ecclesia profitetur et docet, sine qua impossibile est placere Deo." Et rursus: "In hac parte nulla diligentia potest esse tam magna, quam sine dubio requiritur ab officio." Quare necesse est opposere sana doctrina fermento haereticae pravitatis, quod, non represso, corrumpt totam massam; id est, opposere opinionibus perversis quae sub mentita similibus intrant, et quae, collectae simul, professae sunt ab 2 1 2 Conc. Prov. I, sub initium. Conc. Prov. V, Pars. I.

[*Latin ed. p. 391*]

391 Encyclical Letters. Concerning Modernism; remembering Saint Charles, "how great the study and how diligent must be the care of the bishop above all else in combating the crime of heresy." 1 It is, indeed, necessary to recall the other words of the saint, who adds the sanctions, the laws, and the penalties imposed by the Roman Pontiffs against those prelates who were negligent or remiss in purging their dioceses of the leaven of heretical wickedness. But it will be well to reflect carefully on what he concludes: "Therefore, the bishop must, above all, persevere in this perpetual solicitude and constant vigilance, so that not only the most pestilent disease of heresy may never infiltrate the flock entrusted to him, but so that any suspicion thereof may be kept far away. And if, by the merciful mercy of our Lord Jesus Christ, it should infiltrate, then above all, he must exert every effort to ensure that it is driven out as quickly as possible, and that those who are infected with this pestilence or suspected of it are treated according to the norms of canon law and the pontifical sanctions." 2 But neither liberation nor preservation from the plague of errors is possible without a sound instruction of the clergy and the people; for faith comes by hearing, and hearing by the word of Christ. And the necessity of inculcating the truth to all is all the more imposed upon us in these our days, when the poison infiltrates through all the veins of the State, and even where it would least be believed, so that for all now apply the reasons adduced by Saint Charles with these words: "Those who live near heretics, or who are not firm and steadfast in the foundations of the faith, give great cause for fear that they will too easily be drawn by them into some deceit and corrupt doctrine." Now, indeed, because of the ease of travel, communications have increased, and as with all other things, so also with errors; and because of the unrestrained freedom of passions, we live in a perverted society, where there is no truth... and no knowledge of God; in a land that is desolate... because there is no one who thinks with

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his heart. Therefore, We, wishing... 3 4 5 6 Conc. Prov. V, Pars. I. Ibid. Rom. x, 17. Conc. Prov. V, Pars. I. Os. iv, 1. JEREM. XII, U.

[*Latin ed. p. 392*]

Acta Apostolicae Sedis. - Commentarium Officiale. Using the words of St. Charles, "we have, until now, exerted much diligence so that all and each of the faithful of Christ might be well instructed in the rudiments of the Christian faith"; and we have also written a special encyclical letter on this subject, considering it of the most vital importance. But, although we do not wish to repeat what the zealous Borromeo lamented, namely, "that until now, too little has been achieved in a matter of such importance," yet, as he did, "induced by the magnitude of the task and the danger," we also wish to further inflame the zeal of all; that, taking Charles as a model, they may contribute, each according to his degree and strength, to this work of Christian restoration. Let fathers of families and masters remember with what fervent zeal the holy bishop constantly instilled in them the duty to give to their children, to their servants, not only the opportunity, but the obligation to learn the Christian doctrine. Let clerics remember the help they must give in this teaching, and let the parish priests strive to ensure that such schools are multiplied according to the number and needs of the faithful, and that they are commendable for the integrity of their teachers, to whom men and women of proven honesty should be appointed as assistants, as the same holy Archbishop of Milan prescribes. The necessity for such Christian instruction is evidently growing, both from the general course of events and of modern customs, and especially from those public schools, devoid of all religion, where it is almost a pastime to mock all that is most sacred, and where the lips of the teachers and the ears of the students are equally open to blasphemy. We speak of that school which is called, with the greatest insult, "neutral" or "secular," but it is nothing other than the tyrannical oppression of a dark sect. You, Venerable Brothers, have already denounced this new yoke of hypocritical freedom with a loud and intrepid voice, especially in those countries where the rights of religion and of the family were more brazenly trampled upon, and where even the very voice of nature, which desires that faith and the innocence of adolescence be respected, was stifled. To remedy, as far as it was in our power, this great evil, caused by those very ones who, while demanding obedience from others, have...

[*Latin ed. p. 393*]

Encyclical Letters. 393. Because, when schools of religion are lacking, and the youth are deprived of the knowledge of the Divine Law, they deny it to the supreme Lord of all things; therefore, we have recommended that suitable schools of religion be established in cities. And although, thanks to your efforts, this work has made considerable progress so far, it is most

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desirable that it be spread more widely, that is, that such schools be opened everywhere, numerous and flourishing, with commendable teachers, both for the sake of doctrine and for the integrity of their lives. This most useful instruction in the fundamental principles must be closely joined with the office of the sacred orator, in which, all the more, the aforementioned qualities are sought. Therefore, the diligence and counsel of Charles in the provincial and diocesan Synods aimed with special care at forming preachers who could work piously and fruitfully in the ministry of the word. Now, the very circumstances, and perhaps even more strongly, seem to demand this of us in these times, when faith wavers in so many hearts, and there are those who, for the sake of vain glory, follow the fashion, adulterating the word of God, and depriving souls of the food of life. Therefore, we must watch over, venerable Brothers, that our flock is not fed with empty words by frivolous men, but is nourished with the vital food by ministers of the word to whom these sentiments apply: "We are ambassadors for Christ, as though God were making his appeal through us; in Christ's stead, we implore you: be reconciled with God. We are not, indeed, ambassadors of ourselves, but of Christ, who charges us to reconcile you with God. We speak thus, not to please you, but to offer you the word of God with no guile. If our message is veiled, it is veiled only to those who are perishing; to those, however, who are being saved, it is radiant, even though it is radiant in you. For we are the aroma of Christ, both to those who are perishing and to those who are being saved, an aroma either of life to life or of death to death." And let those most holy and exceedingly fruitful norms be observed which the Bishop of Milano used to recommend to the faithful, and which are summarized in these words of St. Paul: "Having received the word of God not in human fashion, but in power, and in the Holy Spirit, you received it not as a human word, but as it truly is, the word of God, which is at work in you who believe."

[*Latin ed. p. 394*]

Acta Apostolicae Sedis. - Official Commentary. 394 Thus, the living Word of God, efficacious and more penetrating than any sword, will operate not only for the preservation and defense of the faith, but also for the effective promotion of good works, for faith without works is dead; and they shall not be justified before God who hear the law, but they who put it into practice. And this is another point in which one can see how immense is the difference between the true and the false reform. For those who promote the false, imitating the fickleness of fools, are wont to run to extremes, either by exalting faith to such a degree as to exclude the necessity of good works, or by placing all the excellence of virtue solely in nature, without the help of faith and divine grace. Therefore, actions arising solely from natural honesty are nothing but simulacra of virtue, neither truly virtuous in themselves, nor sufficient for salvation. Therefore,

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the work of such reformers is not useful for restoring discipline, but is harmful to the faith and to morals. On the contrary, those who, following the example of Charles, sincerely and without deceit, seek the true and salutary reform, avoid extremes, and never go beyond those limits beyond which no reform can exist. For, firmly united with the Church and its Head, Christ, they not only draw from this source the strength of their inner life, but also receive the norm of external action, so as to confidently undertake the work of healing human society. Now, of this divine mission, transmitted perpetually to those who must be Christ's ambassadors, it is proper to teach all nations, not only the things to be believed, but also the things to be done, that is, as Christ Himself said: "Observe all things whatsoever I have commanded you." For He is the way, the truth, and the life, and He came so that men may have life, and that they may have it abundantly. But since fulfilling all these duties with the sole guidance of nature is far beyond what the powers of man can achieve by themselves, therefore the Church, together with its magisterium, has joined the power of 1 2 s 4 5 6 1 2 3 Hebrews vi, 1 2. James ii, 2 6. Romans ii, 1 3. 4 Matthew XXVIII, 1 8 - 2 0. 5 John XIV, 6 John X, 6. 10.

[*Latin ed. p. 395*]

395 Encyclical Letters. These serve to govern Christian society and to sanctify it, while, through those who, in their own degree and office, are ministers or cooperators in this endeavor, the appropriate and necessary means of salvation are communicated. Understanding this well, true reformers do not stifle these shoots in order to protect the root, that is to say, they do not separate faith from the sanctity of life, but rather they nourish and strengthen both with the breath of charity, which is the bond of perfection. Thus, obeying the Apostle, they safeguard the deposit, not in order to prevent its manifestation or to deprive the nations of its light, but rather to spread abroad, even more widely, the most wholesome waters of truth and life that flow from that source. And in this, they join theory with practice, using the former to prevent every circumvention of error, and the latter to apply precepts to morality and to the actions of life. Therefore, they also seek out all means that are opportune and necessary for this purpose, both for the eradication of sin and for the perfection of the saints, through the ministry, the edification of the Body of Christ. And this is precisely what the statutes, canons, and laws of the Fathers and Councils aim at; this is the purpose of all means of teaching, of governance, of sanctification, of beneficence of every kind; in short, this is the purpose of the entire discipline and activity of the Church. The true son of the Church turns his eyes and heart to such masters of faith and virtue, while striving for the reform of himself and of others. And to such masters, too, does Borromeo turn in his reform of ecclesiastical discipline, and he often reminds us of them, as when he writes: "Following the ancient custom and authority of

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the holy Fathers and the sacred Councils, especially the Ecumenical Council of Trent, we have established in our previous provincial councils many provisions concerning these very points." Similarly, when taking measures to repress public scandals, he declares that he is guided "by the law and by the most sacred sanctions of the sacred canons, and of the Council of Trent above all."

Colossians iii, 14.

I Timothy vi, 20.

Ephesians iv, 12.

Council of Province V, Part I.

[*Latin ed. p. 396*]

Acta Apostolicae Sedis. - Official Commentary. 396 statutes of its provincial Synods: "All and each of those things which were decreed and enacted by us in this provincial Synod, we always submit, so that they may be amended and corrected, to the authority and judgment of the Holy Roman Church, the mother and teacher of all Churches." And he showed this intention more and more fervently, the further he advanced in the perfection of the active life; not only while his uncle, the Pope, occupied the chair of Peter, but also under his successors, Pius and Gregory XIII, of whom, as he powerfully supported their election, so in the greatest undertakings he was a valuable aid, fully corresponding to their expectations. 1 But above all, he supported them in implementing practical means for the proposed end, that is, for the true reform of the sacred discipline. In this, he again showed himself to be far removed from the false reformers who mask their obstinate disobedience with zeal. Therefore, beginning with the judgment of the house of God, he first applied himself to reforming the discipline of the clergy with constant laws; and for this purpose, he established seminaries for the students of the priesthood, founded congregations of priests, which were called oblates, he gathered religious families, both ancient and recent, and with all kinds of provisions, he assured and increased the work begun. Then, without delay, he also vigorously set about reforming the customs of the people, recalling to himself what was already said to the prophet: "Behold, I have appointed you this day... that you may root out and destroy, that you may scatter and dissipate, and build and plant" (Jeremiah 1:10). Therefore, as a good shepherd, visiting personally the churches of the province, not without great effort, in imitation of the divine Master, he passed by, benefiting and healing the wounds of the flock; he labored with every effort to suppress and eradicate the abuses that were found everywhere, arising both from ignorance and from neglect of the laws; to the perversion of ideas and the corruption of customs, he opposed, as it were, a dam, by opening schools and colleges for the education of children and young people, Marian congregations, which he increased, after having known them in their first flourishing here in Rome, and institutions, which

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he opened to orphaned youth, shelters, which he opened to the vulnerable, widows, and the mendicant and infirm.

1 Conc. Prov. V I, sub finem.

2 1 Peter iv, 17.

3 Jeremiah I, 10.

[*Latin ed. p. 397*]

397 Encyclical Letters. Whether through illness or old age, men and women; the protection he offered to the poor against the tyranny of masters, against usury, against the trafficking of children, and similar institutions in great number. But he accomplished all of this while utterly abhorring the methods of those who, in renewing Christian society according to their own judgment, turn everything upside down and agitate things with vain clamor, forgetting the divine word: "The Lord is not in the commotion." This, indeed, is a distinguishing mark of true reformers from the false, as you have often known through experience, Venerable Brothers. False reformers seek their own interests, not those of Jesus Christ, and, heeding the insidious invitation already made to the Divine Master, they also repeat ambitious words: "Go and show yourself to the world," and "Let us also make a name for ourselves." Because of this temerity, as we unfortunately deplore even to this day, priests fell in battle, while attempting to accomplish great things, and rushing into the fray without prudence. In contrast, the sincere reformer does not seek his own glory, but the glory of Him who sent him; and, like Christ, his exemplar, he will not contend, nor will he cry out, nor will anyone hear his voice in the streets; he will not be turbulent nor restless, but will be meek and humble of heart. Therefore, he will please the Lord and will bring forth abundant fruits of salvation. Furthermore, they differ from one another in another respect: while the former, relying only on human forces, trusts in man and places his strength in the flesh; the latter, instead, places all his hope in God; from Him and from supernatural means he expects every strength and virtue, exclaiming with the Apostle: "I can do all things through Christ who strengthens me." These means, which Christ communicated in abundance, the faithful seek within the Church itself, for their common salvation, and foremost among them are prayer, the sacrifice, and the sacraments, which become...

I Reg. xix, 11.

Philip. II, ai.

IOAN. VII, 4.

I Machab. V, 57, 67.

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IOAN. VII, 18.

ISAI. XLII, 2 sq. - MATTH, XII, 19.

MATTH, XI, 29.

IER. 9
Philip, iv, 13.

XVII, 5.

[*Latin ed. p. 398*]

Acta Apostolicae Sedis. - Official Commentary. 398 1. A source of water that springs up to eternal life. But among all these means, those who, through devious paths and forgetful of God, toil around the work of reform, do not cease to muddy those purest sources, if not entirely to dry them up, in order to keep the flock of Christ away from them. In this, they certainly do even worse, their modern followers, who, under a certain mask of greater religiosity, disregard these means of salvation and discredit them, particularly the two sacraments, through which either sins are forgiven to penitent souls, or souls are strengthened with the heavenly food. Therefore, each faithful person will strive with the utmost diligence to ensure that the benefits of such great value are held in the highest honor, and will not allow the affection of men to wane towards these two works of divine charity. Thus, indeed, did Borromeo act, of whom, among other things, we read: "The more abundant the fruit of the sacraments is, the more diligently and intimately the soul and external worship and veneration must be treated and observed." Likewise, worthy of being remembered are the exhortations with which he urges the parish priests and other sacred preachers to recall to the practice of the ancient frequency of the Holy Communion, which We have also done with the Decree that begins: "Tridentina Synodus." "The parish priests and preachers," says the holy bishop, "should exhort the people as often as possible to practice the most salutary habit of frequently receiving the Holy Eucharist, relying on the institutions and examples of the nascent Church, on the recommendations of the most authoritative Fathers, on the doctrine of the Roman Catechism, explained more extensively at this point, and finally on the decree of the Council of Trent, which desires that at every Mass the faithful should communicate, not only by receiving the Eucharist spiritually, but also sacramentally." With what intention, and with what affection, this sacred banquet should be frequented, He teaches with these words: "The people should not only be 'urged to practice frequently receiving the most holy 'Sacrament, but

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also warned how dangerous and ex-'".

[*Latin ed. p. 399*]

Encyclical Letters. 399: "It is harmful to approach the sacred table unworthily, to partake of that 'divine' food. Such diligence seems especially necessary in our times of wavering faith and languishing charity, so that from the increased frequency [of Communion] the due reverence for this mystery is not diminished, but rather that the man may examine himself, and thus partake of that bread and drink from the chalice." 2 From these sources will flow a rich stream of grace, and from it will draw strength and nourishment even natural and human means. The Christian will not disdain things useful and comforting to life, since they also come from the same God, the author of grace and nature; but he will avoid with great diligence that in seeking and enjoying external things and the goods of the body, the end and almost the happiness of all life be placed. Whoever, therefore, wishes to use these means with rectitude and temperance, will order them to the health of souls, obeying the words of Christ: "Seek first the kingdom of God and his justice, and all these things shall be given to you besides." Such a use of means, ordered and wise, is so far from opposing the good of a lower order, that is, of civil society, that it rather greatly promotes its interests; nor will it be mere words, as is the custom of partisan reformers, but with deeds and with the utmost effort, even to the sacrifice of possessions, strength, and life. Such fortitude gives us an example above all, many bishops, who, in sad times for the Church, emulating the zeal of Charles [Borromeo], have fulfilled the words of the divine Master: "The good shepherd gives his life for his sheep." They are not driven to sacrifice themselves for the common salvation by a desire for glory, by a spirit of partisanship, or by the stimulus of any private interest, but by that charity which never fails. From this flame, which escapes the eyes of the profane, Borromeo was ignited; after exposing himself to the danger of death in serving the plague-stricken, not content with having relieved present ills, he also showed himself solicitous for the future: "It is entirely in accordance with reason that, in that way, a good father, who loves his children with singular love..."

[*Latin ed. p. 400*]

"Just as we provide for four hundred orphans, both for the present and for the future, preparing the necessities of life for them, so too, moved by the debt of paternal love, we provide for the faithful of our province with every precaution, and we prepare for the future those aids which, through experience, we have known to be salutary during times of plague."

"These same designs and intentions of affectionate providence, Venerable Brothers, find practical application in that Catholic action which we have often recommended. And apart from this most noble apostolate,

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which embraces all the works of mercy to be rewarded with eternal life, the chosen men of the laity are called. But they, accepting this burden, must be ready and trained to sacrifice themselves entirely, and all their things, for the good cause, to endure envy, contradiction, and even the aversion of many who repay benefits with ingratitude, to labor each one as a good soldier of Christ, to run in the way of patience in the contest proposed to us, looking to the Author and Finisher of our faith, Jesus Christ."

"This is certainly a difficult struggle, but one that is most effective for the well-being of civil society, even when its complete victory is delayed."

"Also, with regard to this last point now mentioned, splendid examples of St. Charles can be admired, and from them, each one, according to his own condition, can take what to imitate and from which to draw comfort. For although his singular virtue, his marvelous industry, and his abundant charity made him so remarkable, he was not exempt from this law: 'All who will live piously in Christ Jesus will be persecuted.' Therefore, he always upheld righteousness and honesty, which rose as a corruptible avenger of the laws and justice, and thus he earned the aversion of powerful men; he found himself exposed to the deceptions of diplomats; he was sometimes viewed with distrust by nobles, the clergy, and the people, and finally, he drew upon himself the mortal hatred of the wicked, and his life was sought."

"But he resisted all of this with an unconquered spirit, although of a mild and gentle nature."

1. Conc. Prov. V, Pars II.

2. MATTHEW XXV, 34, and following verses.

3. II TIMOTHY II, 3. HEBREWS XII, 1, 2. II TIMOTHY III, 12.

4.

5.

[*Latin ed. p. 401*]

Encyclical Letters. 401 Not only did he not yield to anything that was detrimental to the faith and to morals, but he also did not concede to claims contrary to discipline and burdensome to the faithful, even though these claims were attributed to a most powerful monarch and within the Catholic realm. Remembering the words of Christ: "Render therefore unto Caesar the things that are Caesar's, and unto God the things that are God's," as well as the words of the Apostles: "We must obey God rather than men," he earned great merit, not only for the cause of religion, but also for civil society itself, which, paying the price for its foolish prudence, was almost overwhelmed by the storms of seditions that it had stirred up, and faced certain death.

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2. The same praise and gratitude will be due to Catholics of our time, and to their valiant leaders, bishops, provided that neither the one nor the other ever fail in any part of the duties proper to citizens, whether it involves preserving fidelity and respect for those in authority, even when they command just things, or resisting their commands when they are unjust, while also keeping far away both the impetuous rebellion of those who rush into seditions and riots, and the servile abjection of those who accept as almost sacred laws the statutes manifestly wicked of perverse men, who, under the false name of liberty, overturn everything and impose the most cruel tyranny. This occurs before the world and in the full light of modern civilization, in some nations in particular, where the power of darkness seems to have established its principal seat.

Under that oppressive tyranny, all the rights of the children of the Church are miserably trampled upon, and in those who govern, all sense of generosity, kindness, and faith is extinguished, qualities that shone so brightly in their fathers, who were worthy of the title of Christians. It is so evident that, once hatred of God and the Church has entered, everything returns to what it was, and one rushes headlong towards the barbarity of ancient times, or rather, the most cruel yoke, from which only the family of Christ and the education introduced by it have freed us. Or, as Borromeo himself expressed it, "it is a certain and recognized thing that nothing offends [God] more grievously, nor provokes greater indignation, than the vice of heresies, and that, in turn, nothing..." (Matthew 22:21; Acts 5:29).

[*Latin ed. p. 402*]

402 Acta Apostolicae Sedis. - Commentarium Officiale. "Poti tanto arovina delle provinciee dei regni quantopuò "quell'orrida peste." Sed multo plus funesta se debe stimare l'odierna congiura di strappare le nazioni cristiane dal seno della Chiesa, sicut diximus. Nemini, sebbene discordissimi di pensieri e di volontà, quod est certum signum erroris, in una cosa solo si accordant, nell'oppugnazione ostinata della verità e della giustizia; et poiché dell'una et dell'altra custode et vindice est Ecclesia, contra Ecclesiam sola, strictas suas filas, movent ad assultum. Et quamvis dicant esse imparziali, vel promovent causam pacis, aliter nihil faciunt, cum dulcibus verbis, sed non dissimulatis propositis, nisi tendere insidias, ut ad damnum, addant scortum, et tradimentum, et violentiam. Cum novo metodo de pugna, nunc assaltatur nomen Christianum; et bellum movetur longe plus periculosum quam proelia ante dimicata, ex quibus tanta gloria collecta est a Borromeo.

1. De hoc, nos omnes, accipiens exemplum et instructionem, animamur ad pugnare a forti pro maioribus interest, ex quibus pendet salus individuum et societatis, pro fide et religione, pro inviolabilitate publici iuris; pugnabimus, certes, a amara necessitate, sed consolati simul a

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suave spe, quae omnipotentia Dei accelerabit victoriam ad eos qui pugnant in tam gloriosa pugna. Ad hanc spem, addit vigoris efficacia potentissima, perpetuata usque ad dies nostros, operis Sancti Caroli, sive ad inflectendum superbia mentium, sive ad consolidandum animum in proposito sancto, ad restaurandum omnia in Christo.

Et nunc, Venerabiles Fratres, nos possumus concludere cum verbis ipsis, unde Nostrum Antecessorem, Paulum V, saepe mentionato, concludebat litteras quae decretabant Carolo supremos honores: "Iustum est, ergo, ut reddamus gloriam et honorem et benedictionem Illi qui vivit in saecula saeculorum, qui benedixit servum nostrum in omni benedictione spirituali, ut esset sanctus et immaculatus in conspectu eius. Et habens illum donum a Domino, sicut stellam fulgentem in hac nocte peccatorum, et tribulationum nostrarum, recurramus ad divinam mentem, ore et opere supplicantes, ut Carolus "ad Ecclesiam quam tam ardens amavit, iuvat etiam."

[*Latin ed. p. 403*]

Encyclical Letters. 403 "Through the merits of example, may He assist with patronage, and in the time of indignation, may reconciliation be made through Christ our Lord." To these prayers, let the blessing of the Apostolic See be added, which We impart with great affection to you, Venerable Brothers, to the clergy, and to the people of each of you.

Given at Rome, near Saint Peter, on the 26th day of May, 1910, in the seventh year of Our Pontificate.

PIO PP. X.

Bulla "Unigenitus".

[*Latin ed. p. 405*]

Year II. - Volume II. May 31, 1910. No. 10.

ACTA APOSTOLICAE SEDIS: OFFICIAL COMMENTARY

ACTS OF POPE PIUS X

APOSTOLIC LETTER

I. PERPETUAL DAILY INDULGENCE FOR THE SHRINE OF SAINT BENEDICT.

PIUS PP. X.

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For the perpetual memory of the matter.

Moved by pious charity, intent on preserving the memory of this event, and desiring to increase the faith of the faithful and to promote the salvation of souls through the heavenly treasures of the Church, We, of our own accord, grant to all and to each person of both sexes who are truly penitent and who, wherever they may be, have been duly absolved of their sins, and who shall visit the Holy Mass in the Church of the Shrine of Saint Benedict, located near the city of Subiaco, belonging to no diocese, and there shall offer devout prayers to God for the benefit of Christian princes, for the eradication of heresies, for the conversion of sinners, and for the exaltation of the Holy Mother Church, the full remission and forgiveness of all their sins, each day of the year; and We also grant this, so that it may be applicable as a suffrage for the souls of Christian faithful detained in Purgatory, with merciful charity in the Lord.

We decree that the apostolic letters issued by Our Predecessor, Pope Clement XI, on the twenty-second day of November in the year 1707, which begin with the words "Iniunctum Nobis," and which were augmented with new privileges by Our Predecessor, Pope Pius VII, on the fifth and twentieth day of July in the year 1817, remain firm, valid, and efficacious.

Notwithstanding anything to the contrary.

These present documents shall remain perpetually in force.

Given at Rome, near Saint Peter, under the Fisherman's ring, on the twenty-seventh day of October, 1909, in the seventh year of Our pontificate.

R. L.

£J3 S.

ACTS, Volume II, No. 10.

CARD. MERRY DEL VAL, Secretary of State.

- 31-5-1910.

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[*Latin ed. p. 406*]

Acts of the Apostolic See. - Official Commentary. II. CERTAIN PRINCIPAL FACULTIES ARE GRANTED TO THE ORDER OF THE EREMITES OF SAINT AUGUSTINE. PIUS PP. X. For the perpetual remembrance of this matter. — We have learned of the outstanding benefits which the illustrious Order of the Eremites of Saint Augustine, diligently devoted to proclaiming the word of God to the people, constantly confers upon religion. In order that such labors may yield to more abundant endeavors and exercises for the good of souls, we enrich this religious family with special privileges and heavenly treasures, by which it strives to encourage the faithful everywhere to aspire to the dignity of Christian life. Wherefore, confident in the mercy of Almighty God and in the authority of the Blessed Apostles Peter and Paul, We, by Our Apostolic authority, grant

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and bestow upon all and each of the priests of the aforementioned Order who undertake sacred missions or direct spiritual exercises, that, at the last day, they may freely grant a plenary indulgence to the faithful, in the name and with the authority of Ourself and of the Roman Pontiff for the time being, together with the Cross, Christ, the faithful, the single sign, and with indulgences granted everywhere, to those who, having attended the same blessing, are truly penitent and have confessed and received Holy Communion, and who visit the church or public oratory where this act of piety is performed, and who offer devout prayers to God for the concord of Christian princes, the extirpation of heresies, the conversion of sinners, and the exaltation of the Holy Mother Church. Furthermore, We mercifully grant a plenary remission of all their sins to those faithful who have participated in these sacred missions or exercises for a period longer than the time they last, and who, having likewise confessed their sins and been refreshed by the heavenly food, visit the church or public oratory either once during that period of time, or on one of the fifteen days immediately following, and there, as is fitting, pray. Moreover, whenever during the time of the missions or exercises they hear catecheses or sermons, We remit to them two hundred days from the penitences prescribed or otherwise due, according to the custom of the Church. Furthermore, We grant to the aforementioned priests the faculty of blessing crosses, crucifixes, sacred medals, prayer beads, and small metallic statues of Our Lord Jesus Christ, the Blessed Virgin Mary, and the Saints, and of applying to them the indulgences contained in the list published by the Sacred Congregation of Propaganda Fide on August 28, 1903; and with regard to prayer beads...

[*Latin ed. p. 407*]

From the Acts of Pope Pius X, 407, without exception to the indulgences mentioned by St. Bridget, and We furthermore grant the power to bless prayerful crowns, and to grant an indulgence of five hundred days for each recitation of the Pater Noster and each recitation of the Ave Maria. Finally, it shall be permitted to the same priests, with the consent of the Ordinary, to erect and bless iron or wooden crosses throughout the world, after the completion of missions, and to apply to them the following: first, a plenary indulgence to be obtained by the faithful who, having duly performed their acts of penance and received Communion, on the anniversary of the erection of this cross, or, if this falls on a feast day, on the following Sunday, or on the feasts of the Invention and Exaltation of the Holy Cross, or on the respective Sunday following, from the first vespers until sunset on that day, devoutly visit the church or public oratory and, as above, pray there; second, an indulgence of seven years and forty days, which the faithful may obtain once a day, if, with a contrite heart, they recite the angelic salutation in memory of the seven sorrows of the Blessed Virgin before the aforementioned crosses seven times; third, an indulgence of five years

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and forty days, which the faithful may likewise obtain once a day, if, with a contrite heart, they recite the Our Father, the angelic salutation, and the Glory Be before the aforementioned crosses three times, in memory of the agony of Our Lord Jesus Christ for three hours. We mercifully grant that all these indulgences, remissions of sins, and relaxations of penances may also be applied for the benefit of the souls of the Christian faithful detained in Purgatory, as a form of suffrage. In contravention to nothing whatsoever. These present decrees are to be perpetually valid. Given at Rome, at St. Peter's, under the Fisherman's ring, on the 18th of March, 1910, in the seventh year of Our Pontificate.

R. L.

S. CARD. MERRY DEL VAL, Secretary of State.

SECRET EPISTOLARY INSTRUCTIONS.

I. TO OUR DEAR SONS, JOSEPH, Archbishop of Catania, and ALEXANDER, Archbishop of Palermo, and to Our Venerable Brothers, the other Archbishops and Bishops of Sicily.

Dear Sons and Venerable Brothers, greetings and the apostolic blessing.

It has not seemed fitting to Us that, when you recently met at Mariae Tyndaridis, you should not, as is customary, discuss matters pertaining to the common good of your dioceses, in order to foster a sense of piety and fidelity in your group.

[*Latin ed. p. 408*]

Acts of the Apostolic See. - Official Commentary. 408, which are a splendid profession: for you wished to present us with the same office through a most loving letter, which greatly delighted Us. Especially because from it We learned that, while you have proposed important considerations regarding other matters, you have also, above all, proposed studies for Seminaries, to which We have given a standard; which is certainly of great importance. Having considered your diligence and prudence, We do not doubt that you will decide upon what is most conducive to the matter. We pray that you may be able to carry out these things successfully; and We impart to you, Our beloved Sons and Venerable Brothers, and to your clergy and people, Our apostolic blessing, as a pledge of divine favors, and as a testament of Our benevolence. Given at Rome, near St. Peter, on the ninth day of May, 1910, in the seventh year of Our Pontificate. PIUS PP. X. II. To the VENERABLE BROTHER JOHN BAPTIST, Bishop of IACIENSI. Venerable Brother, greetings and apostolic blessing. Your common letters, along with those of your clergy, have delighted Us: from which We understand that you, having convened all in a solemn assembly to consider matters of religious and social concern for the people, have gathered in a retreat, so that, through pious prayer and sacred meditation, you might first

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strengthen your spirits, before bringing these deliberations to fruition. You rightly indicated that no one can benefit themselves or others for eternal salvation, unless they are moved by the Spirit of God. And We see and rejoice that you have emerged from this sacred retreat, ready and eager to undertake all things for the glory of God. Therefore, there is no doubt that this Church will receive abundant fruits from your labors. We earnestly pray for divine grace for you, for all labor is vain without it; and We impart to you, as a pledge of heavenly favors, Our apostolic blessing, by which We also reward your pious service, to you, and first to you, Venerable Brother. Given at Rome, near St. Peter, on the ninth day of May, 1910, in the seventh year of Our Pontificate. PIUS PP. X. III. To the VENERABLE BROTHER ALAPHRID, titular Bishop of ARCENSI, Apostolic Administrator of the Diocese of LUCANENSIS. Venerable Brother, greetings and apostolic blessing. We are informed that, as the year turns, sacred solemnities will take place in your diocese.

[*Latin ed. p. 409*]

Congregational Consistory. It is pleasing to us that the memory of the institution of the ecclesiastical hierarchy in the region of Cher is being celebrated; especially because, in this matter, we see the paternal providence of the Apostolic See being made manifest concerning you. It is fitting that you should wish to celebrate the memory of this event with even greater splendor, and we know that you, having been created priest twenty-five years ago, were the first to be ordained in this diocese. We, who are rightly dear to you, already follow you with auspicious omens: for we know of your diligence in the pastoral office, of which this is also an argument to us, and that you have taken care to restore the ancient and noble church of "Lucanus," and to adorn it with new beauty, and that in that very church, which will soon be opened again for sacred celebrations, you have decreed a diocesan Synod. Finally, in granting secular honors to Charles Borromeo – since the greater part of this diocese belonged to the most holy Bishop – we greatly approve of your concern that your people of Lucanus should yield to no one. As a pledge of divine graces and a witness of Our benevolence, We impart to you, Venerable Brother, and to your clergy and people, Our apostolic blessing. Given in Rome, at Saint Peter's, on the ninth day of May, in the year 1910, in the seventh year of Our pontificate. PIUS PP. X.

APPOINTMENTS OF BISHOPS.

His Holiness Pope Pius X, by decree of this Sacred Congregation, has appointed:

May 6, 1910. — Reverend Father Charles Bertuzzi, Bishop of Fulginate, as titular Archbishop of the church of Diocletia.

May 13, 1910. — Reverend Father Apollonius Maggio, titular Bishop

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of the church of Lystra, as Bishop of the cathedral church of Asculum in Picenum.

Furthermore, the same Most Holy Lord commanded that Letters Apostolic be dispatched under seal for the proper execution of this matter.

ERECTION OF DIOCESES.

His Holiness Pope Pius X, by decree of the Sacred Congregational Consistory, has erected:

[*Latin ed. p. 410*]

410 Acta Apostolicae Sedis. — Official Commentary. 4: March 1910. — The new episcopal seat of Regina, in the ecclesiastical province of St. Boniface in the Canadian region; — The new Apostolic Vicariate of Keevvatin, in the same ecclesiastical province of St. Boniface. Furthermore, the Most Holy Lord commanded that Letters Apostolic be issued under the seal for the execution of this matter. DECREE BY WHICH A NEW MISSION, "DRISDALE-RIVER," IS ERECTED, SEPARATED FROM THE APOSTOLIC VICARIATE OF KIMBERLEY (IN AUSTRALIA). For the river commonly called Drisdale-River, located in the northwestern region of the Apostolic Vicariate of Kimberley, which is bounded by the lines or degrees of 128 longitude (Greenwich) and 16 latitude South, a certain mission, for the evangelization of the Aborigines, is to be separated from the aforementioned Vicariate and temporarily placed under the ecclesiastical jurisdiction of the Abbey of New Norcia, and at the appropriate time, to be established as another Abbey of nullius. The Reverend Father Fulgentius Torres, O.S.B., Abbot of New Norcia, humbly requested this Holy Congregation to grant him the faculty for the erection of this mission. Regarding this petition, after the vote and consent of the Reverend Father, the aforementioned Administrator of the Apostolic Vicariate of Geraldton, and after considering the wishes and recommendations of the Most Reverend Father Patrick Cardinal Moran, Archbishop of Sydney, who expressed the common desires of all the Ordinaries of Australia in the most recent plenary synod, the Most Eminent and Reverend Fathers of this Holy Congregation, dedicated to propagating the Christian Name, after mature deliberation, subjected the proposal of the Reverend Father Abbot of New Norcia to a thorough examination in plenary sessions held on the 25th day of the month of April, and considered that the answer to the question: "Whether it is expedient to separate the Apostolic Vicariate of Kimberley and to annex the erection of the mission called Drisdale-River to the Abbey of New Norcia, according to the proposal of the Benedictine Fathers," should be: "Affirmative." This opinion of the Most Eminent Fathers was recorded by the undersigned Secretary in an audience on the external day of the Most Holy Pope, Pope

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Pius, by divine Providence.

[*Latin ed. p. 411*]

The Holy Congregation of Rites. 411 PP. X having received the aforementioned report, His Holiness deigned to approve it benignly and to declare it valid, and has commanded the present decree to be drawn up concerning it. Given in Rome, from the offices of the Holy Congregation for the Propagation of the Faith, on the 4th of May, 1910. Fr. H. M. CARD. h. © S. GOTTI, Prefect. Aloysius Veccia, Secretary. I. COLLEN. (Colle di Val d'Elsa).

CONSTITUTION OF THE CULT GIVEN TO THE SERVANT OF GOD BARTHOLO BUONPEDONI, PAROCHIAL PRIEST AND MEMBER OF THE THIRD ORDER OF SAINT FRANCIS, FROM THE TOWN OF SANCTI GEMINIANI, NOW KNOWN AS BLESSED AND SAINT.

The immemorial cult given to the Blessed Vivaldi, a hermit and member of the Third Order of Saint Francis, which was confirmed by our Most Holy Lord Pope Pius X through a decree of the Sacred Congregation of Rites on the 11th of February of the past year, 1909, has encouraged those involved to promote a similar cause. For we are speaking of a man, Vivaldi himself, who was of the same age and time, a member of the fraternity, a master and guide in virtue and religious perfection, namely, Bartholo Buonpedoni, so that the lives, reputations, cult, and legal inquiries concerning these Tertiaries are united and mutually illuminated by a friendly bond.

Bartholo was born in the town of Mucchio, near Sangeminiano, in the then Volaterranae diocese, now the Colle diocese, in the year 1227, from noble parents, John and Gentina Buonpedoni. It is said that the mother, who was still barren, obtained this child after praying to the holy Apostle Peter, whom she had earnestly invoked. The child, favored by divine grace, showed clear signs of his future sanctity, especially in chastity and charity. It is also said that flames of fire came forth from the mouth of the child, to the astonishment of those present. Having been piously instructed by his mother, he grew in age and virtue, and was an example to all. Rejecting the world and its temptations, and postponing even the marriages that were fitting for his nobility, he dedicated himself entirely to God. His father, bearing this ill, harshly rebuked his son, who, having left his father's house, went to Pisa. There, he was kindly received in the monastery of Saint Vitus, of the Order of Saint Benedict. He made great progress in piety and knowledge, and with greater fervor...

[*Latin ed. p. 412*]

412 Acta Apostolicae Sedis. - Official Commentary. He feels the desire to embrace the religious life. This is what the best young man preserves and fosters through prayers and good works, even though he is repeatedly tempted by the enemy of the human race. However, with God's help, emerging victorious from this battle and steadfast in his purpose, when

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he has already reached his thirtieth year, he flees to the Bishop of Volterra with an open and confident heart. Prompt and obedient to the guidance of this prelate, after proper examinations, he is duly initiated into the sacred Orders. Soon destined and chosen to care for souls, he governs and administers the parish of Peccioli for the first decade and the parish of Pichena for the second decade. Following the footsteps of the Good Shepherd, he becomes the soul of the flock, diligently fulfilling his pastoral duties, ready to give his very life for his sheep. In performing his duties as a priest, besides other virtues, he exercises a particular kind of generosity towards the poor; thus, he merits to receive Christ under the appearance of a poor man. However, because Bartholomew was accepted by God, it was necessary that he be tested by the fire of tribulation. After these twenty years spent in the care of souls, and now being sixty years old, he is afflicted by a terrible disease, so that from the sole of his foot to the top of his head, there was no part of him that was healthy. With the prior permission of his Bishop, he relinquished his parish, put on the habit of the Third Order of St. Francis, and entered a leprosarium near the town of Celloli. Humble and infirm, acquiescing to the divine will, he patiently endured those very grievous pains and afflictions, nor did he sin with his lips, nor did he utter anything foolish against God, like another Job, quietly lamenting: "If we have received good things from the hand of God, why should we not also receive evil, especially since it leads to our good and our eternal salvation? May the name of the Lord be blessed." And God, thus purifying his servant, showed him signs of his mercy and compassion. Truly, the Father of mercies and "God of all consolation, who consoles us in all our tribulations." Through the power of the Divine, Bartholomew kept peace with joy in his heart, refreshed by the constant care and familiar companionship of his brother Vivaldi, and he always had what was necessary to sustain life, sometimes even through the extraordinary and miraculous intervention of Divine Providence. And his body, although reduced to that most miserable state, was nevertheless pleasantly fragrant. Furthermore, moved by these signs and the fame of his sanctity, faithful from all regions of Tuscany flocked to visit this leper, both individually and in groups, admiring and sympathizing with him, and remembering those salutary and consoling words of the Divine Redeemer: "Ought not Christ to have suffered these things and so, to enter into his glory?" and of the Apostle Paul: "The sufferings of this present time are not worthy to be compared with the glory to come, which shall be revealed in us." Finally, Bartholomew, after this great and long tribulation,

[*Latin ed. p. 413*]

The Congregation of Rites. Full of sores in the body, but laden with merits and virtues in the spirit, and having already ascertained the approaching and certain day of his death, he received the Sacraments of the Church with

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the utmost devotion, and deserved to enter heaven and receive the crown of life and justice, on December 12th, in the year 1300, in the seventy-second year of his age. To the body, exposed for three days and still exuding a most fragrant odor, flocked the citizens and foreigners in great numbers. He himself was reverently carried to the church of Saint Augustine, near the town of Saint Geminiani, and after solemn and ritual funeral services, was buried in a designated tomb. Meanwhile, due to the exceptional reputation for holiness, increased by the accounts of many miracles, public veneration of the Servant of God has persisted from his death to the present time. It is said that he was honored with the liberation or preservation from diseases through the heavenly intercession of the faithful who invoked him. Concerning this memorable cult, investigations were conducted in the ecclesiastical court of Colle di Val d'Elsa in 1898, with a favorable decision by the Reverend Bishop, and subsequently completed, strengthened, and embellished, first by a letter from the current Bishop of Colle di Val d'Elsa, Maximilian Novelli, dated April 18, 1908, and then by twenty-six documents, listed and arranged chronologically from the year 1400 to the year 1901. From all of these, transmitted to the Sacred Congregation of Rites, it is sufficient to note the title of Blessed or Saint Bartholomew, widely bestowed upon him, images depicting him with rays or a halo bearing the same title, chaplains and an altar containing an urn with his relics and the inscription: "The bones of Saint Bartholomew of Saint Geminiani, the expeller of evil spirits," a pious confraternity named after and dedicated to Saint Bartholomew, lamps, lights, frequent visits and pilgrimages of the faithful imploring his help at the tomb of the Servant of God, and finally, a feast in his honor, with an offering of candles from the Municipality, on the last Sunday of May and elsewhere on the day of his nativity, December 13th, to be observed. This feast is said to have been instituted by a decree of May 20, 1499, by Christopher, the General Vicar of the Bishop of Volterra, granted by a pontifical delegation through the Apostolic Letters of Alexander VI, dated May 16, 1498; and it is also attested by Benedict XIV, who, in his work on the Beatification and Canonization of Saints, published in the years 1740 and 1841, states "that Blessed Bartholomew is venerated by the authority of the Church, and that indulgences have been granted in his honor to those who visit his churches, as testified by Theodore Ferrini in the life of Blessed Bartholomew." Therefore, since the aforementioned procedural acts, with the information and summary, as well as with the response to the observations of the Reverend Father, Promoter of the Holy Faith, have been submitted to the examination and judgment of the Apostolic See, at the insistence of the Reverend Father Francis Maria...

[*Latin ed. p. 414*]

Acts of the Apostolic See. - Official Commentary. 414. Paolini, General Postulator of the Order of the Friars Minor, together with the Most Rev-

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erend Bishop, clergy, and people of Saint Geminianus, and the entire diocese of Colle di Val d'Elsa, and also with the Most Reverend Father Dionysius Schuler, General Minister of the aforementioned Order, having presented prayers and petitions, His Eminence and Most Reverend Lord Cardinal Franciscus a Paula Cassetta, Bishop of Sabina, acting as Proponent or Relator, in the Ordinary Session of the Congregation for Sacred Rites, convened at the Vatican, proposed the following question for discussion: "Whether the sentence issued by the Most Reverend Bishop of Colle di Val d'Elsa concerning the cult practiced from time immemorial towards the aforementioned Servant of God, should be confirmed in this case and to the effect of what is being considered?" And the Most Eminent and Most Reverend Fathers presiding over the Sacred Rites, after the report of His Eminence the Proponent, and having also heard the voice and written opinion of the Reverend Father Alexander Verde, Promoter of the Holy Faith, having carefully considered the revised question, and after deliberation, they judged: "Affirmatively, that is to say, that the case is excepted from the decrees of Pope Urban VIII in the case and to the effect of what is being considered; or, that the cult should be confirmed, if it should please the Most Holy [Pope]." April 19, 1910. With all of the above presented to the Most Holy Lord Pope Pius X through the undersigned Cardinal Prefect of the Congregation for Sacred Rites, His Holiness approved and ratified the Rescript of the aforementioned Congregation, on the 27th day of the same month and year. Fr. S. CARD. MARTINELLI, S. B. G. Prefect. L. © S. f. Petrus La Fontaine, Bishop of Charystien., Secretary. II. NEAPOLITANA (Naples). REGARDING THE BEATIFICATION AND CANONIZATION OF THE VENERABLE SERVANT OF GOD, PASCHALIS ATTARDI, PRIEST. The illustrious Neapolitan clergy rejoices and is delighted that, following in the footsteps of their ancestors, a priest of outstanding virtue, sound knowledge, and great zeal and love for the glory of God and the salvation of souls, has emerged from their ranks. Paschalis Attardi illuminates with new light his beloved brothers and fellow citizens, whom, by clearly and modestly exhibiting his form of life through domestic and priestly virtues, he encourages to say with the Apostle Paul: "Be ye followers of me, even as I am of Christ."

[*Latin ed. p. 415*]

"Holy Congregation of Rites. 415, 'Christ'." This man of God is well described and represented in Ecclesiasticus by that blessed man who "was found without spot, who in gold did not go astray, nor did he hope in money and treasures, and he did wonders in his life, because he placed all his hope in the goodness and power of God." Born in Potenza on October 2, 1837, from legitimate parents, Nicholas and Clementina Catena, he received the names Paschal, Vincent, Raphael, and Gertrude at the sacred font of regeneration. From his earliest years, the child was educated

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in the rudiments of the catechism, and was observed to be modest, religious, and pious, always eager to erect a small altar at home, to perform devout exercises, and to attend to sacred duties with promptness and alacrity; he delighted in imitating and celebrating the ceremonies of the children's games. Obeying his elders, he perfectly exemplified the obedience of virtue in Christ, which every man ought to strive to maintain in his life, thereby preparing glorious victories. Frequently and for a long time, he prayed in the church, listened to sermons on divine matters, and attended other sacred functions, diligently guarding his senses and attending the Holy Sacrifice of the Mass. His love of solitude, his demeanor, his gait, and his gravity recommended him so highly to his family and neighbors, that those who saw him in the streets reverently called him "Saint." No less was the opinion of Father Michael, a Scottish priest, who loved his disciple for his studiousness, modesty, and diligence, and held him up as an example to the other students. Amidst the turbulent times of new events, the Neapolitan Jesuit college, which had already been closed, reopened to students, among whom Paschal held a prominent place, endowed with intelligence and virtue, and who also merited to be included in a special group of outstanding young men, called by Saint Aloysius. Helped by these and other embellishments of a perfect life, and aided by divine grace, he desired to dedicate himself to the ecclesiastical life, and, after consulting with his confessor, a prudent and pious man, and with the consent of his parents, in the year 1856, he put on the clerical habit. After beginning and successfully completing his theological studies, after various and prescribed trials, he was gradually and duly promoted to the sacred orders. It is worth remembering that the Servant of God received the order of subdeacon in the city of Rome from Cardinal Riario-Sforza, the Archbishop of Naples, who, having suffered persecution for justice, was then residing in that city as a place of refuge. Elevated to the priesthood, he spared no industry or labor for the glory of God and the salvation of souls. In Naples, in the church dedicated to the Holy Name of Jesus, he diligently devoted himself to his ministry with a particular and filial piety towards the Divine Redeemer and His Virgin Mother.

[*Latin ed. p. 416*]

Acts of the Apostolic See. - Official Commentary. 416 The Immaculate and holy Joseph was considered the most chaste spouse of this Virgin. Due to some difficulties in family life, especially because of various infirmities which afflicted himself and his family, and in order to provide for these domestic needs and also to properly instruct children and young people in his own home, he opened a school. While teaching letters, he enlightened the minds of the students with piety. He strove to instill in them the presence and fear of God, along with the purity of conscience, through devout exercises, strongly urging the older students to attend daily Mass

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and to frequently approach the Holy Table. This charity of the faithful servant and minister of Christ he abundantly and generously extended also to the sick in the hospice, and especially to the poor and needy in the night shelter which was located near the aforementioned church, and for many years he directed the Paschal celebrations. There, he patiently and meekly instructed the members in Christian doctrine, constantly exercising them in works pertaining to the Congregation of the Most Holy Spirit. In the sermons, which he frequently gave to the people on divine matters, in accordance with the norms of the sacred canons, he moved the hearts of the listeners, with God's help, not less learnedly and clearly than forcefully and sweetly, so that in them, besides much admiration and a flood of tears, he might produce more solid fruits of virtue and grace. From among the disciples and listeners of the Servant of God, several, having followed better gifts, embraced an ecclesiastical, secular, or regular state, in which, diligently devoted to sacred duties and good works, they cared for their own and the salvation of others until the end of their lives. His prudence, industry, and charity shone forth most brightly in hearing the confessions of the faithful of both sexes and in guiding their consciences. Through the path marked by St. Alphonsus Mary de Liguori, master and guide, through his salutary penances and other ascensions of mind and heart to the mountain, he was led by God through long and continuous infirmities, through spiritual labors, bodily mortifications, and consumption, and he looked forward confidently to the approaching end of his life, desiring to be dissolved and to be with Christ. Soon, seized by a lethal and incurable illness, while three days before he had celebrated the Holy Mass, the man of God, having fulfilled the vows he had made, rich in merits and ripe for heaven, peacefully passed away on the 25th of March, in the year 1893. The body of the Servant of God remained exposed for two days so that the wishes of the citizens from all walks of life could be satisfied, who competed for something from his garments and hair, as if for relics, for the sake of memory and veneration. The translation of his body to the church of the Congregation of the Most Holy Spirit, as well as the funeral ceremonies, appeared to be like a triumph, no less than the religious solemnity, due to the devout frequency of the people. The fame of the holiness of Paschal, a simple secular priest,

[*Latin ed. p. 417*]

The Holy Congregation of Rites, having remained only briefly in Naples, had, after his death, grown greatly in Karlova, so that, after two years, an inquiry concerning it was initiated in the ecclesiastical court of Naples. This inquiry, which was intended to provide a just account of the matter, was interrupted several times, but was finally concluded in the year 1904 and transmitted to the Sacred Congregation of Rites.

Now, with all matters brought to light, and at the urgent request of the

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Most Reverend Father Antonino, General Minister of the Order of the Most Holy Trinity, and promoter of this cause, and after considering the petitions of certain Eminences of the Holy Roman Church, of numerous Most Reverend Prelates, as well as of Canons, Chaplains, and forty priests of the Metropolitan Archdiocese of Naples, and of other Canons or Rectors of collegiate churches of the same Archdiocese, and also of several superiors of religious Orders or Congregations, the following Cardinal, Sebastian Martinelli, Prefect of the Sacred Congregation of Rites and Promoter of this cause, at ordinary meetings of the Sacred Council held at the Vatican on the designated day, proposed the following question for discussion: "Whether a Commission should be appointed for the introduction of the cause, in this case and to this effect."

And the Most Eminent and Reverend Fathers entrusted with the safeguarding of sacred rites, after the report of the aforementioned Cardinal, and after hearing the voice and written opinion of the Reverend Father Alexander Verde, Promoter of the Holy Office, having diligently considered all matters, decided to respond: "Affirmatively, that is to say, a Commission should be appointed for the introduction of the cause, if it pleases the Most Holy [Pope]."

On April 19, 1910.

Subsequently, these matters were reported to the Most Holy Lord, our Pope Pius X, by the aforementioned Cardinal, Prefect of the Sacred Congregation of Rites. His Holiness approved and ratified the decree of the same Sacred Council, and deigned to sign with his own hand the Commission for the introduction of the cause of the Venerable Servant of God, Paschal Attardi, a secular priest, on the 27th day of the same month and year.

Fr. S. CARD. MARTINELLI, Prefect of the S. R. G.

L. © S. f. Petrus La Fontaine, Bishop of Charysten, Secretary.

[*Latin ed. p. 418*]

Acta Apostolicae Sedis. - Official Commentary. 418 SACRA ROMANA RIPANA ROTA (Ripatransone). OF JURISDICTION. During the pontificate of Pope Pius X, on the 2nd of April, 1910, the Most Reverend Fathers Michael Perathoner, Auditors, concerning the parish of the Most Holy Saints of Iurium, located in Ripana, after hearing the arguments presented by Vincent Sacconi, representing definitively the parish, and by the advocate, Angelus Persiani, for Gregory and Margaret, and after deliberation, rendered their judgment. Saint Pius V, in the city of Ripatransone, which was part of the diocese of Firmanae, elevated it to the status of a city, and raised the Church of Saint Benignus to the dignity of a cathedral; furthermore, he united and annexed fourteen parish churches of the same city, with their goods and rights, establishing fourteen prebends, from which the Cathedral Chapter was constituted.

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Afterwards, by the authority of the same Saint Pius V, these parishes were reduced to four, all others being suppressed, since the city of Ripana was divided into four regions: namely, Ajello, Saint Dominic, Montis Antiqui, and Capitis Montis, and it was deemed sufficient to have one parish church in each region; namely, in Ajello, the Church of Saint Benignus was erected as a cathedral; in Saint Dominic, the parish church of Saint Angel of Rollano; in Montis Antiqui, the churches of Saints Nicholas, Rusticus, and Eleuterius; and finally, in the region of Montis Antiqui, the parish of Saints Gregory and Margaret. These four parishes remained united to the Archpresbyterate and to three canonries and prebends, as individual entities, and not to the entire Chapter, or to the Chapter table; to the canons was granted the faculty, through perpetual vicars approved by the local Ordinary, of exercising parochial ministry. However, the parochial office, due to the appointment of vicars, as often happens, suffered a great detriment because they were not sufficiently suitable for such a task, and complaints were brought before the Congregation of Bishops, which ordered that the aforementioned union be dissolved, and that of the regulars as well. And this was done, as Saint Paul V considered it opportune.

[*Latin ed. p. 419*]

The Roman Rota, in its judgment 419, through the Constitution "Exposuit pastoralis," which had united four parishes to the Archpresbyterate and to three prebends, perpetually dissolved this union, separating and disjoining those same churches from the canonical benefices, and ordered that, as free churches, they should be assigned, according to legitimate form, through a prior examination and consultation. Already, from the time of the Constitution of the Cathedral Church of Ripana, because the Church of St. Benignus was too small, it had been decided to transfer the Cathedral to the Church of SS. Gregory and Margaret; however, this could not be accomplished, especially because of the reluctance of the pastor of SS. Gregory and Margaret, until the year 1601, when Clement VIII, through a Brief, ordered that such a transfer be carried out. Indeed, a new church was built in the same place, on the same site, at the expense of the community, while the old church was leveled. And in the Brief, it is stipulated that the same city or community should provide a house, both for the Bishop and for the pastor, near the aforementioned Church of SS. Gregory and Margaret. While work was being done on the construction of the new church, the pastor of SS. Gregory and Margaret administered the care of souls in the Church of St. Blaise, which, in the year 1637, was almost collapsing, and he returned to the Church of SS. Gregory and Margaret, but was received with difficulty by the Chapter. For just as there had been no lack of disputes between the pastor and the Chapter in the Church of St. Benignus, so the Chapter believed that it would not be possible for both to

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remain together peacefully in the new Cathedral Church. This fear was not unfounded; for the pastor was forced to leave the Cathedral Church and return to St. Blaise, by a decree of the Curia of Ripana in the year 1641. But this church was threatened with ruin, and the pastor was not able to repair it, so the matter was brought before the Sacred Congregation of the Eastern Churches and the Holy Roman Church, which responded on June 14, 1651: "The pastor should not be disturbed in the Cathedral Church of St. Blaise, and resources should be provided for the restoration of the church, so that scandals may not arise." This response was interpreted for its execution, and Bishop Ursinius applied it by a decree of the year 1657, ordering, even under threat of penalties, the pastor: "that in the future you must exercise the care of souls subject to you in our Cathedral Church, where we have provided for you and your successors a sacristy connected to the altar of St. Gregory, etc." Several questions were resolved by this decree, and many were prevented from arising in the future; but not all could be foreseen, which later erupted with unhappy consequences. These matters were addressed by a decree of the Bishop on June 9, 1907, but since it did not fully satisfy the requests of the Chapter of Ripana, the canons decided to seek a judicial resolution. Heeding their prayers, a judicial investigation of the same cause was instituted before the Most Holy Tribunal, and a definition was sought.

[*Latin ed. p. 420*]

420 Acta Apostolicae Sedis. - Official Commentary. The Most Blessed Father entrusted this matter to be handled. The question is now being considered under these agreed-upon formulas of inquiry: I. Does the Church have the right to designate the Cathedral Church of SS. Gregory and Margaret in Ripatransone for general liturgical services pertaining to the Cathedral Chapter of Ripatransone, so that the parish priest of SS. Gregory and Margaret would hold the title of parish priest, even in the case of his death or, rather, his absence? II. Does the Church have the exclusive right to determine the fees for the celebration of services concerning the use of the Church, as well as any established charges, for SS. Gregory and Margaret, excluding, however, the altar of St. John, or concerning the use of the organ, and is the Chapter obligated to pay these fees or to establish them in such a case? III. Does the title commonly known as "Parish Priest of the Cathedral" or "of the Cathedral" belong to the parish priest of SS. Gregory and Margaret in such a case? Regarding the definition of these questions, the Most Reverend Fathers and Doctors have considered the following: 1. ° By virtue of the Constitution of Paul V, the perpetual union between parochial and canonical benefices was dissolved, and the parochial office was separated and made independent of the Chapter, which, being unable to exercise authority over the parish, attempted to remove the parish priest from his church. 2. ° In the agreement, in which the Community of Ripa-

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transone ceded its old church so that a new one could be built in the same location, it was stipulated that the community should build a cathedral near the aforementioned Church of St. Gregory for the convenience and residence of the pastor who was to care for the souls in said church of St. Gregory. Therefore, the common intention was that the parochial care should not be separated from the Cathedral Church, since the parochial office was to be erected in the cathedral; and the desire of the canons was to remove the parish priest after the aforementioned separation, decreed by Paul V. - However, in fact, the parochial Church of St. Gregory had already been elevated to the title of Cathedral, and thus, the church became both a cathedral and a parochial church. 3. ° It appears that the new Cathedral Church was erected under the title of SS. Gregory and Margaret, and this is confirmed by numerous documents dating much later than the erection of the Cathedral of Ripatransone. Thus, in the Bull of institution of the parish priest Mancini, dated May 24, 1840, it is stated: "I, the notary appointed by the Clerical Party, B. Propertii Mancini, declared the Cathedral of SS. Gregory and Margaret." - However, in the oral discussion of the case, held on March 31st of the past year, the Advocate for the Chapter asserted that the Cathedral Church is under the title and invocation of Gregory the Great, the Pope. Perhaps this is based on the authority of Philip.

[*Latin ed. p. 421*]

421 The Roman Rota. Monacelli, Bishop of Ripà, who in a report concerning the Visitation of 1826, states: "Although the Church [is] not yet fully perfected, it is nevertheless in a sufficient state to fulfill its ecclesiastical functions. Under the leadership of the Most Reverend Father Lawrence Arzolino, Bishop, who held the episcopal chair in the year 1622, both the Bishop himself and the Chapter began to administer it, having dismissed the parish priest of Saint Benignus and of the same title; for the title itself was changed to Saint Gregory on June 14, 1623, by decree of the Most Holy Congregation. Therefore, both the Church and the Chapter have existed under that title from that time, under the invocation and protection of Saint Gregory the Great." However, it should be noted that in the aforementioned report, Saint Gregory the Great was named as the Principal Patron, and Saint Margaret was not excluded, but rather held in a secondary position as Patron. Furthermore, the Most Reverend Fathers Auditors considered that the question here is not about the title, but about the Church itself, which is undoubtedly one and the same, whether it is considered a Cathedral and a Parish, or whether the title is one and the same or distinct. In this sense, the Holy Congregation of Rites responded in the year 1652: "It is a parish within the Cathedral." Given these facts, the following considerations are relevant to the law: According to the Constitution of Paul V, which dissolved the aforementioned union permanently, it follows that the Cathedral is not a parish, inasmuch as no responsibility for souls pertains

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to the Chapter or any of its members; but it is a parish because, even before the Cathedral was established, pastoral care of souls was exercised there, which is still exercised and must be exercised by the parish priest, independently of the Chapter. Although this position may be difficult for both parties in practice, due to the daily difficulties that can disturb peace, it is not to be condemned in law, nor is it contrary to the rules of law. However, if the question is asked to whom, namely, to the Chapter or to the parish priest, the Church belongs, it is superfluous to inquire about ownership, because Churches are outside of commerce, or they cannot be in the ownership and dominion of private individuals, as proven by Cardinal Cavagnis, *Ius. Publ.*, book VI, n. 221 (4th edition). Whether the ownership of Churches resides in the ecclesiastical community, whether general, or particular, or local, or supreme, or respectively or absolutely superior, is a question that jurists consider, as can be seen in the work of Father Brandi, S.J., in the pamphlet "Di chi sono le chiese?" Therefore, what remains is the use of the Churches to which legal persons, whether physical or moral, legitimately constituted within them, have a right. Therefore, there is no legal absurdity in having multiple heads in one body, as the Patron of the Chapter objects; for in Cardinal De Luca, *De Iurisd. Discept.*, Cardinal Albitii, n. 104, it is written: "It is not an absurdity that there are two heads in one Church, although in different respects, as the *ACTA* state, vol. II, n. 10."

[*Latin ed. p. 422*]

422 Acta Apostolicae Sedis. - Official Commentary. "The Rota, in its recent decisions concerning Montis Regalis, Jurisdiction 69 and 121, Part I, and in the text in I. s. ff. concerning the jurisdiction of all judges, has declared that [certain things] are to be understood as intended." And in Decision 7 or 6, before Molines, it is taught: "That the Church can simultaneously exist as both secular and possessing its own secular Rector who exercises care of souls therein, and yet, nonetheless, the divine worship and the ministry within it can be performed by Regular clergy," as Cardinal De Luca observes in *De Reg.*, discussion 64, n. 4, and specifically in discussion 30, n. 3 and 4, concerning jurisdiction, where he presents the example of several Titular Churches of the Most Holy Roman Church held by Cardinals, which, while retaining their ancient status and quality, are administered by Regular clergy. "As we have also discovered, it is not the case that, when a parish church is erected into a collegiate church, the care [of souls] is in any way transferred, but rather remains exercisable within the same church by him who previously held it." And there, Decision 125, P. XIX, recent, is cited, in which it was decided that a parish church of St. Babylas in the diocese of Milan was rightfully under the care of its pastors, even though the church had been erected into a collegiate church. "For when the Prefect and Canons wished to arrogate to themselves certain duties previously pertaining to the Pastors, these [Pastors] prevailed in the

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judgment, having demonstrated, from the Bull of erection of the collegiate church, that, by the express will of Pope Sixtus V, their benefices and duties had been entirely preserved in the same state as before; hence, it was concluded that these Pastors retained the care of souls 'as before,' and that the total and integral ministry of the care of souls belonged to them, along with the parochial rights and emoluments'; thus, it is stated in n. 2 and n. 24: 'It does not, however, contradict the law that the care of a parish church is not transferred when it is erected into a collegiate church, or a college, but remains with him who previously held it.'" The same principles are most clearly explained and confirmed in Decision 103, Part XIX, recent, and Corradus teaches in *Practices Beneficiorum*, book 2, chapter 2, n. 50. "In our case, when a parish church was erected into a cathedral, a change in the status of the parish certainly occurred, since it was united with the Canon of the Archpriest; but Paul V restored things to their former state, dissolving any union of parishes with canonical benefices, so that the parishes became free and independent from the Chapter and from each individual canon. And the current status of parochial benefices in a cathedral church is entirely consistent with the principles we have recalled. Having affirmed the freedom and independence of the parish in the cathedral with regard to the Chapter concerning the entire ministry of parochial care, it follows that the use of the cathedral church belongs to both [parties], as..."

[*Latin ed. p. 423*]

The Roman Rota observes that the exercise of both pastoral care and the functions of the chapter, maintaining due order, must be undertaken so that scandals do not arise, as most wisely cautioned by the Sacred Congregation of Bishops and Regular Canons in repeatedly issued decrees. For the simultaneous and permanent presence of two persons, independent of each other, in the same church is not monstrous nor contrary to law, but rather opens the way to easy disputes, contentions, and scandals. Therefore, the Bishop Ursinius, most prudently fulfilling the warning of the Sacred Congregation, issued an executive decree, in which he established limits by which both the chapter and the parish priest should be guided, without infringing upon their own rights, and thus avoiding scandals. But the Sacred Congregation did not only direct its warning to Bishop Ursinius, but also intended that all bishops succeeding him in the See of Ripatransone should be vigilant so that scandals do not arise between the chapter and the parish priest. Therefore, Bishop Ursinius, with his decree of 1657, did not fully fulfill the executive duty entrusted to him by the Sacred Congregation, but rather left intact and unimpaired for his successors the power to decide concerning the execution of the decree, which, depending on the circumstances, it would be necessary to order in order to avoid canonical disputes between the chapter and the parish priest. Indeed, the decree itself was conceived in such a way that it establishes nothing new,

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but rather declares the existing state of affairs – that the parish is within the cathedral. It is true that, in order that the cathedral church may serve both the canonical functions and the exercise of pastoral care, in accordance with the Constitution of Paul V, yet with the union of pastoral care and the canonical provision dissolved, so that disputes, rivalries, and scandals do not arise from the simultaneous exercise of these two functions in the same church, the bishop must nevertheless provide. This is what the warning of the Sacred Congregation refers to: that the bishop must take measures to prevent scandals. Therefore, the Most Reverend Fathers, Auditors, in the controversial episcopal decree of August 17, 1908, judged that it could not be proven that the bishop asserts "that the entire reason for deciding in the present controversy is 'based primarily on the correct interpretation of the Decree of Ursinius,' which constitutes the fundamental rule for the consistency of the parish of the Saints Gregory and Margaret within the Cathedral Church." Indeed, the reason for the decision in the present matter is to be found in the Constitution that the cathedral church has, both with the chapter and the parish. The Sacred Congregation clearly indicated this, writing "that the parish is within the cathedral," deciding nothing concerning such a simultaneous presence of two distinct entities, independent of each other, in the same church, but only warning of the dangers of dissension and discord, at the same time admonishing the bishop to take measures to prevent them. Bishop Ursinius was the first to...

[*Latin ed. p. 424*]

The Acts of the Apostolic See – Official Commentary. It was determined that the decree should be enforced, but not all matters were resolved, as has already been noted, and the Bishop, who governs the Riparian diocese, must be aware of the necessities that may arise daily, in order to foster peace and harmony in the Cathedral Church, for the edification of the Christian people. However, it is not permissible for the Riparian Ordinary to disregard the legitimate rights that have certainly been acquired by one of the parties, whether by the Ursine decree, by custom, or by any other legitimate title. Thus, although not expressly and directly, yet indirectly and implicitly, an altar of Saint Gregory was assigned for parochial functions in the Ursine decree: the constant use of this altar has so firmly established the purpose of this altar that the Bishop cannot change it. Furthermore, in the convention of 1745, the parish priest obligated himself perpetually to pay one scutum to the Chapter for certain expenses of divine worship in the Cathedral: the Bishop, as was fitting, ratified such a convention in the decree of August 17, 1908, but justly increased the amount of money that the parish priest must pay annually, taking into account the diminished value of money. For the same reason, the Chapter must respect, no less than the Ursine decree, the decree of the Sacred Visitation of 1819, which ordered that the ringing of the bells should announce to the faithful the celebration

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of the parochial Mass. In establishing the norms by which the canonical and parochial functions are to be carried out in the Cathedral, the Bishop sets a correct rule for himself in the decree of 1908: "This must always be understood with regard to 'the precedence that is due by right to the Chapter.'" How this precedence is to be maintained, De Herdt discusses in *Praxis Capitularum*, chapter 9, § 8, considering the case of a distinction between the Chapter and the parish established in the Cathedral Church, as has happened in the Archdiocese of Mechlin, and teaches: "Such a parish priest does not depend on the Chapter, just as the Chapter also does not depend on the parish priest. Therefore, the Chapter and the parish priest are two masters and two lords in the same house or church. The church, insofar as it is a Cathedral, is certainly greater and therefore to be preferred; but insofar as it is a parochial church, it also has its own rights. It is necessary to arrange and dispose of everything so that the Chapter is given the opportunity and the appropriate time for its functions; and the parish priest must not hinder the choir or the functions of the Chapter. Care must be taken that both the Chapter and the parish priest contain themselves within the limits of their rights and offices, etc." Barbosa, *De Canonicis*, chapter 18, no. and chapter 19, no. 1; Melanus, *De Canonicis*, I, 1, chapter 1; Lucius Ferrari, *Bibliotheca Canonica*, article 11, no. 3; Pallottini, *Canonici*, § 7, no. 1, sq. Regarding the power of the Bishop to determine matters pertaining to the order of sacred functions in the Cathedral Church, when...

[*Latin ed. p. 425*]

The Roman Rota has decreed that both the Chapter and the parish should remain, but that one should not depend on the other. The Sacred Congregation of the Council, in a rescript dated in Pamplona, July 28, 1886, and January 29, 1887, has ruled that the Bishop must issue regulations to eliminate the dangers and scandals arising from contentions and rivalries. Furthermore, in regulating functions that are not strictly parochial, consideration must be given to the greater dignity and preeminence of the canons of the cathedral compared to other priests or pastors, as demonstrated by the cited authorities, and in particular by Barbosa, *ubi citatur*, which states that, from this perspective, certain non-parochial functions are rightfully reserved to the Chapter for performance on more solemn days, as enumerated by Canon Masciaretti in a letter of March 8th of the previous year. However, in this case, it is advisable to ensure that there is no such close union between the Chapter and the parish as would exist if the Chapter and the parish were to be united in a single entity, while nevertheless preserving the essential rights of each party, to be exercised within the same Church. Several decisions of the Sacred Congregation of Rites refer to this type of union, asserting that the Chapter has a greater share and greater authority over functions that are properly not parochial. Thus, the Holy Roman Congregation decreed on September

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13, 1879, in Bayonne, that "the functions in the cathedral church, which is also a parish church, belong to the Chapter, except for the administration of the sacraments." Similarly, in Drapen, on July 5, 1871, and in Urgentina, on May 23, 1873; and the Sacred Congregation of the Council, following these rules, in Carcassonne, on June 14, 1890. On the contrary, in the aforementioned case, there was no such close union. Indeed, in the aforementioned Constitution of Paul V, there was a perfect or extirpative union, whereby the canonical and parochial benefice became a single benefice, a union which Paul V completely and permanently dissolved, stating, "We dissolve the aforementioned union, so that better provision may be made for the care of souls and the exercise thereof." Therefore, the Supreme Pontiff intended to provide for the essential rights of the parish, but also for the care of souls and the exercise thereof; or for the complete administration of the parochial office. The Pontiff signifies this dissolution with such forceful words that he clearly teaches that no union remains, for he says, "We perpetually dissolve the archpresbyterate and the canonicals, and we perpetually dismember and separate the same parochial churches and the care of souls thereof..." The Pope's intention was to eliminate the union, since the aforementioned union had produced so many and such inconveniences. Furthermore, it is well established in law that two endowments or foundations, by their very nature, are distinct, and that there is no union between them unless it is expressly decreed.

[*Latin ed. p. 426*]

Acts of the Apostolic See. - Official Commentary. 426 Here, we return to the observation made from the beginning, namely, "that it is not monstrous for two distinct bodies to exist within a single Church, having two heads, one secular and one regular, as is exemplified by the Church of Monreale," as the Rota, before Goccino, decided in 157... and by the Church of St. Ambrose in Milan, which has two distinct colleges, one governed by an Abbot, and the other by a Provost, as Lotterius observes, in *De re benef.*, book 1, question 18, number 20." And so, the Rotal decision 103 from the recent Part 1, volume 1, discusses this. The decisions already mentioned from the beginning confirm this, and further explain the jurisdiction of Monreale, numbers 69 and 12, Part 1, Recent. Furthermore, the examples cited in these decisions clearly apply to our case, for no union, nor even an equal standing, can be held between two colleges, one secular and the other regular. With these preliminary observations in mind, the Most Reverend Fathers, the Auditors, examined the individual doubts. In the first doubt, it is asked whether a parish priest has the right to celebrate the general offices for the deceased. The Chapter claims this right, denying it to the parish priest. If we were to follow the Ursino decree, the contrary should be asserted; for the Bishop Ursino decreed: "Regarding the offerings for the funerals of the parishioners, we declare that they entirely belong to the curate, and

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those of those who are buried outside the parish, but are buried in this Cathedral, the fourth part of the funeral expenses is paid to the parish priest of the deceased, the rest being likewise for the aforementioned curate. The funeral of ourselves and of our successors, the Bishops, we declare to belong to the Chapter, according to the ancient custom." The same is decreed for the general offices for the dead to be celebrated on the days of the annual commemoration of the dead. The foundation of these prescriptions is both the common law which attributes such funeral offerings, or at least a fourth part, to the parish priest; and the observance "according to the ancient custom." Only the funerals of Bishops are reserved to the Chapter. However, with the passage of time, and certainly from the year 1821, the Chapter also began to celebrate the general offices. In that year, four parish priests of the city filed complaints and protested against the general office announced by the Chapter: "since this is a novelty without rights, and the interests of the parishes are being harmed, we do not consent to this act, an example of which could harm those who, with their silence, do not intend to relinquish their own parish rights." However, this harmful protestation seems to have lapsed, or at least no decree has followed that would provoke the intention of the parish priests to appeal to the Sacred Congregation for the Resolution of Doubts in order to settle the matter. If the Chapter has not been able to be prevented from celebrating the general offices, it seems to be rightfully due, and the Chapter also possesses the right to celebrate these offices whenever they are legitimately entrusted to it by the faithful; for the Chapter, just as the parish priest, is under a different...

[*Latin ed. p. 427*]

Regarding the Roman Rota, the rectors of the Cathedral Church are involved. Therefore, if before the year 1821 these offices were performed only by the parish priest, this followed primarily from the Ursino decree, which, as has been noted more than once, did not establish a new state of affairs and order in the Cathedral, but rather regulated what had long been established, so that scandals might be avoided, according to the intention of the Sacred Congregation of Bishops and Regular Canons. For if general offices can be performed by both parties, and room is given for prevention, then rivalries and contentions are most easily avoided, as today's experience teaches. Now, because today the Chapter contends that such a right exclusively belongs to it, and primarily on the basis of prescription, the Most Reverend Auditors, examining the documents and testimonies presented from various sources, judged that it was not sufficiently proven that the Chapter had a prescription in its favor. Indeed, there is no doubt that the right to perform these offices belongs to the parish priest by virtue of his office, and that he has exercised it for a long time; therefore, the Chapter would have to prove that it has exercised the same right exclusively, contrary to the parish priest, so that a prescription would run against him. But this has not been

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proven; for the very testimonies, which are ambiguous and easily twisted to either side, show that the Chapter's quasi-possession of the disputed right is not certain but equivocal, nor is it public. For the Chapter members themselves admit that the faithful believe that the parish priest has this power, namely, to perform the general offices, and that these are entrusted to him. The parish priest himself gives testimony to the faithful of this, and he provides them with signed documents attesting to the celebration of the Masses; therefore, of the two rectors in the Cathedral who celebrate the sacred functions, who can be said to have celebrated the general office, the Chapter or the parish priest? In this matter, whenever general offices are entrusted to him, the Chapter has the custom of warning the prefect of the sacristy and of handing over the necessary money to pay the priests who celebrate. In this way, the parish priest, while striving to ensure that everything in the Church is carried out decently for the celebration of the office, and that the priests are summoned by the customary ringing of the bells, does not, at the same time, prejudice his right, because such functions cannot be performed in the Cathedral Church unless there is the greatest harmony between the parish priest and the Chapter. And this has been observed by the Most Reverend Auditors, who, considering these facts, have judged that the Chapter's intention, on which it primarily bases its claim, is not certain and unequivocal for the purpose of necessary possession for prescription; indeed, it is a well-known principle of law that "prescription does not run without possession." However, several testimonies favorable to the parish priest, and several documents supporting him, make the state of possession more confused and uncertain.

[*Latin ed. p. 428*]

Acts of the Apostolic See. - Official Commentary. The claims are made by the Patron of the Chapter, but the Most Reverend Fathers have deemed them to retain their force, especially because the Chapter, which makes the claim, must fully prove it. Finally, the Most Reverend Auditors noted that it does not concern the parish priest, as reported by Canon Sciarra: "that in the 'Cathedral Church,' the general offices are marked as having collected the tax for utensils due to the same sacristy from recent times." For from this, it is proven that, from 1742 until the Chapter, even before the year 1821, the general offices began to be celebrated; indeed, no one should deny that the tax for utensils, levied and paid in the Cathedral, is to be returned to the sacristy of the Chapter, just as this tax is paid in each church to which priests come to celebrate a general office, as is customary in the city of Ripana. Regarding the second doubt, the Fathers considered it appropriate to respond negatively, as it is proposed, because the doubt is conceived in such a way as to vindicate the exclusive right or property of the Chapter in the Church, and this does not please, neither concerning the Chapter nor concerning the parish priest. The question is reduced to the use of the

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Church; and here, both the Chapter and the parish priest are attributed the right to it, in order that one and the other may peacefully fulfill their functions in the Cathedral. This conclusion necessarily follows from the statements. The parish priest must reside in his church of Saints Gregory and Margaret, and fulfill his duties therein. All doubt was removed by the rescript of the Sacred Congregation, which declared: "that the parish priest is in the Cathedral," and therefore..., under penalties, the Bishop Ursinio forced the parish priest to administer the souls in the Cathedral, decreeing that "in the future, you must exercise the care of the souls subject to you in our Cathedral church." Even Pope Paul V, dissolving the union between parishes and certain canonical benefices, decreed: "we perpetually dissolve and the same parochial churches of souls... we perpetually dismember and separate." When the Pope separates the churches, with regard to the Cathedral, he could not dismember them except concerning the care of souls, and it is clear that the Church is both parochial and cathedral. Furthermore, since the Chapter, after the Pauline Constitution, has no right to the care of souls, this must be exercised fully and freely by the parish priest. Therefore, it belongs to the parish priest the use of the entire Church in the exercise of the care of souls; the designation of the altar of Saint Gregory in the decree of Ursinio is not restrictive or exclusive, but prudential: "in order to remove any doubt or confusion, we order that the Curates, present and future,..."

[*Latin ed. p. 429*]

The Roman Rota. "May perform [certain] offices, except for the Eucharist, parish functions, and the administration of Penance," during the time when the divine offices of the Most August [establishment] are recited. Furthermore, in the same decree, it is ordered that the parish priest must provide two confessionals, certainly not to be placed near the altar of Saint Gregory, but in the nave of the church; and it is also prescribed: "that the parish priest be obliged to have the church swept once a month, and another time by the Chapter," thus also the parish priest is given the key to the church and the bell tower; and thus, almost symbolically and legally, it is signified that the use of the church belongs equally to the Chapter and the parish priest. This was recognized by the Chapter itself in a meeting on April 3, 1745, by virtue of which the obligation was imposed on the parish priest to pay annually a certain sum for candles to be purchased for the feast of the Purification of the Blessed Virgin Mary, for the singing of the Greater Matins of the week, for the Paschal candle, and for the ropes of the bells; namely, the parish priest is obliged to contribute to the expenses of the divine worship in the cathedral church, without any distinction being made between parish functions and those not strictly parish functions. The parish priest is considered as having the use of the entire church, as solemnly confirmed by the Bull of Institution of the parish priest Mancini, who obtained the parish benefice in 1640,

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when the Chapter's rivalries against the same parish priest were at their height; in the Bull it is written: "I, Propertio, Notary to the city, personally presented to him, near the church, an altar of the Most Holy Sacrament, together with the altars of Saint Gregory and Saint Margaret, on Capito Montis; and having arrived there in reality and in actual fact, I placed him in corporal possession of said altar and church, etc." This document was held by the same parish priest with the Sacred Congregation of the Holy Roman Church, when the question arose between the Chapter and the parish priest, and a rescript was issued stating that the parish priest was "in the cathedral." As for the use of the organ, according to the records of the Sacred Visitation of 1825-27, "the maintenance of the organ was the responsibility of the Bishop at the time," therefore, the Chapter is excluded from the ownership of the organ, and this rather seems to belong to the Bishop. Whatever may be the case regarding ownership, certainly the use of the organ belongs cumulatively to the Chapter and the parish priest for their respective functions, for reasons extensively explained. If, however, any tax is to be paid to cover the expenses of the organ, this must be determined by the Bishop, as expressly recognized by the parish priest in his letters of February 24, 1910. In the second question, it is firmly asked whether the parish priest is "obliged to pay taxes established or to be established in the case," the Holy Fathers noted that the parish priest is not dependent on the Chapter in the exercise of his functions, nor is he subject to it; therefore, the Chapter, for the use of the church,

[*Latin ed. p. 430*]

Acts of the Apostolic See. - Official Commentary. 430 of goods and furnishings pertaining to it, it is not permitted to impose taxes, which only the Bishop is authorized to establish and regulate. Finally, with regard to the last doubt, or concerning the use of the title "parish priest" of the cathedral, the Most Reverend Lords judged that such a title is not improper for the parish priest, nor does it prejudice the rights of the Chapter. Although, after the separation and division made by the Constitution of Paul V, the parish was separated from the canonical endowments and from the Chapter itself, the Cathedral Church, as such, is not a parish; nevertheless, it serves both the functions of the Chapter and those of the parish; the parish priest has the use and possession of the Church, which is the Cathedral, and in this sense, he is the parish priest of the Cathedral Church. For the genitive case denotes dominion or at least possession; thus, in decree 70, no. 4, part 18, vol. 1, and in decree 735, no. 37, part 18, vol. 2, among the recent decrees, it was established that the parish priest truly has the use and therefore the possession of the Cathedral Church. Since he has no relation to the Chapter of the Cathedral, he cannot be called the parish priest *of* the Chapter; for then the genitive would not denote dominion or possession, but personality, as is noted in decree 27, no. 1, part 3, recent. - This legal

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meaning of the title "parish priest of the Cathedral" is obvious, because, although it is well known in the city of Ripatransone that the condition of the parish priest in the Church of Saints Gregory and Margaret pertains to the Chapter, nevertheless, this appellation, or similar ones, are commonly used in the parish registers from the year 1637, in decrees of the episcopal curia, by the faithful even in making wills, and by civil authorities, indeed, even by the Canons themselves in several public documents; it is sufficient to cite the text of the agreement initiated on April 3, 1745, as testified by the notary "between the Reverend Chapter of this city of Ripa and the Curate of its Cathedral." Having considered and diligently pondered all these things, invoking the name of Christ, We, the undersigned Auditors, sitting for the tribunal and having only God before our eyes, defining the proposed question, respond to the proposed doubts as follows:

1. Whether the [goods] should be considered to pertain to the parish priest also, or exclusively to the Chapter.

Negative, as proposed; but the use of both the Church and the [goods] should pertain to both, for the functions and duties, with the due observance of debts or agreements.

2. Whether the parish priest is obligated to pay taxes, in addition to those already established, if the Bishop should establish any.

Affirmative. Thus we judge and decree. The Chapter is heard.

We pronounce, ordering the Ordinaries of the places and the ministers of the tribunals, to whom it pertains, to command the execution of this sentence.

[*Latin ed. p. 431*]

Apostolic Signatura. 431. Against those who resist, proceed according to the norms of the sacred canons, and especially chapter 3, session 25, concerning Reforms of the Council of Trent, employing executive and coercive means, which will be more effective and appropriate for the circumstances. Rome, at the seat of the Tribunal, on the 2nd of April, 1910. Michael Lega, Dean, Presiding. L. Eg S. Gustavus Persiani. Antonius Perathoner. Sac. Tancredes Tani, Notary.

APOSTOLIC SIGNATURE OF MILAN (Milano).

CONCERNING THE CARE OF SOULS.

Between Paul Rossi, Archpriest, Parochial Vicar of the Church of Saint John the Baptist in the City of Modoetia, and the Coadjutors, Vicars of the parishes of SS. Mauricius, titulars of Michael and Peter the Martyr.

In the ordinary meeting or congress held by the undersigned with the Most Eminent and Reverend P. D. Cardinal Vincent Vannutelli, Prefect of the Supreme Apostolic Signatura and Tribunal, on the 29th of March,

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1910, a question was proposed, according to the rules of the same Tribunal (Proper Law, Canon 40, paragraph 2), to deliberate whether the appeal or recourse of the Coadjutor Vicars of Modoetia in the Archdiocese of Milan could be admitted against the sentence of the Sacred Rota dated the 23rd of March, 1909, which had ruled that "the power to exercise the care of souls belongs to the Coadjutors, both in the Archpriestal and parochial church, according to the manner assigned in the founding documents, and under the dependence of the Archpriest, as well as with the firm authority of the Ordinary, regarding the conferring of coadjutorial blessings and ordinations, which the Holy Founder did not prescribe or order for the titulars." As already decreed by the Most Reverend Archbishop of Milan, Cardinal Andreas Ferrari, in his Decree of Visitation, dated the 16th of November, 1903.

Since the proposed appeal or recourse, which sought the annulment of the aforementioned sentence both on the grounds of nullity and for the complete restitution of rights, was duly and carefully examined and discussed, according to the prescriptions of the Founding Documents of Saint Charles Borromeo and Canon Law,

[*Latin ed. p. 432*]

Acts of the Apostolic See. - Official Commentary. It has been noted that, with regard to the petition, therefore, there can be, nor ought there to be, any Decretal by which the aforementioned is rejected, nor can any nullity be admitted to exist in the sentence of the Sacred Roman Rota. Therefore, the petition or recourse is inadmissible, because it cannot be proven in any way, nor can there be any place for the requested restitution in its entirety. This Decretal was duly notified to the parties on March 31, 1910. Since the aforementioned petitioners had failed to take advantage of the proper time, according to the rules established in the Supreme Apostolic Tribunal, to bring a session against this Decretal, the aforementioned Decretal was, by order, remitted to the Reverend Father Doctor Michael Lega, Dean of the Sacred Roman Rota, for all and any legal effect, etc., and also for its insertion in the Acts of the Apostolic See. Nicholas Marini, Secretary. LETTER I. TO THE REVEREND FATHER PETER BALESTRA, ARCHBISHOP OF CALARITANUM, IN ORDER TO FULFILL THE DUTY OF DEVOTION TO THE MOST BLESSED FATHER, AND ALSO IN THE NAME OF THE BISHOPS OF SARDINIA, CONCERNING REGIONAL CONFERENCES OF COADJUTORS, RESPECTFULLY PRESENTED. The Holy Father has received with great pleasure the devoted address which Your Excellency, Most Reverend, in the name of the entire Sardinian episcopate, recently gathered for the regional conferences, sent to Him as a solemn testimony of the deep attachment and sincere devotion that binds the pastors of Sardinia to the Supreme Shepherd of all the faithful. His Holiness is confident that, through divine grace, the aforementioned conferences have been fruitful in

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salutary initiatives for the individual dioceses, and that the zeal displayed in them will be followed by no less commitment in putting into practice the wise counsels received. And for this purpose, the Holy Father implores an abundance of heavenly graces upon Your Excellency and upon all your confreres, that they may be guided by them.

[*Latin ed. p. 433*]

433. Secretariat of the State. And as a pledge, the Apostolic Blessing, which he imparts with all his heart to these individuals and to their respective flocks. In the meantime, I take this opportunity to express, with the sentiments of the highest esteem, to Your Eminence and Reverendship, in Rome, on May 6, 1910. Your Servant, L. Eg S. R. CARD. MERRY DEL VAL. TO THE REVEREND FATHER RICHARD HEFFRON, BISHOP-ELECT OF WINONA, ABOUT TO ASSUME THE EPISCOPAL SEAT. Winona, it is said, you contemplate, about to embark on the pontificate. It is indeed fitting that you, whom the faithful desire as their shepherd, should hasten to embrace them with a paternal heart, to comfort and cherish them. This intention, which so beautifully reflects your full and charitable will towards the flock entrusted to you, has been received with great pleasure by the Most Blessed Father, who is confident that God, in His grace and for His glory, will grant a prosperous and unhindered course to your endeavors. You, however, "labor as a good soldier of Jesus Christ," and be to them the Bishop, whom proven virtue has demonstrated to be a priest of integrity and fruitful piety. Therefore, it is fitting that I, in the name of the August Pontiff, exhort you, to whom the Church of Winona is being entrusted, to zeal for the Catholic name, to vigilance, to prudence, to charity, and to all other virtues to which you have long been dedicated. In cultivating these virtues, you will be all the more able to adorn yourself with the new dignity that is now bestowed upon you, and to be inflamed with an even greater desire for all the virtues of the priesthood. This is what the Most Blessed Father has above all else placed before your eyes, in which, especially in these times, the care of Bishops must be most diligently exercised. He desires that you wisely and prudently manage and foster the sacred seminaries, so that, by pursuing the goal of *paria*, they may produce such ministers who, distinguished by virtue and doctrine, may be of useful service to their brethren in this world. His Holiness is not unaware that you have been excellently engaged in such endeavors and in works of this nature; and He is confident that you will, without any doubt, devote yourself to them with even greater zeal in the future. Therefore, strive with eagerness to sustain, and even surpass, the hopes and expectations that you have aroused, with God's help.

[*Latin ed. p. 434*]

Acts of the Apostolic See. - Official Commentary. 434 As a witness to the

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divine graces and the paternal benevolence of the Supreme Pontiff, receive the apostolic blessing which the same Holiness imparts to you, to your clergy, and to your people, with paternal love. Taking this opportunity, I confirm my esteem for you, and I declare myself most devotedly, in Rome, on May 6, 1910. To Your Eminence, Most Devotedly, L. Eg. S. R. CARD. MERRY DEL VAL. DIARY OF THE ROMAN CURIA, SACRED CONGREGATION OF RITES. On June 7th of the current year, in the Apostolic Palace at the Vatican, in the august presence of the Holy Father, the General Congregation of Sacred Rites will be held, in which the Most Eminent and Reverend Lords Cardinals, the Reverend Prelates Officials, and the Theological Consultors, who are members of the same, will discuss and give their vote on the question of the heroic virtues in the Cause of Beatification and Canonization of the Venerable Margherita Bourgeoys, foundress of the Congregation of the Sisters of Our Lady. SECRETARY OF STATE. By the order of His Holiness, with a note from the Secretary of State and with a Brief, the following have been appointed: Apostolic Protonotaries, as if participating: April 19, 1910. - Mons. Michele C. Mac Donough, General Vicar of the diocese of Portland. April 27. - Mons. Giovanni Biagiarelli, Archdeacon of the Cathedral of Fano. April 30. - Rev. Dr. Bertramo Otto Bardenhewer, Professor of Biblical Exegesis at the University of Munich; - Mons. Alfonso Bellesheim, Rector of the Collegiate Church of the B. V. M. in Aix-la-Chapelle.

[*Latin ed. p. 435*]

Diarium Romanae Curiae. 435 Prelates belonging to the domestic clergy of His Holiness: April 18, 1910. — Reverend Father Francesco Trudel, Diocesan Consultor and Parish Priest of Saint Joseph in Allotowen (Portland); — Reverend Canon Giuseppe M. Gimenez Camacho, General Vicar of the diocese of Malaga. May 4, 1910. — Reverend Father Francesco Scholz, Canon of the Cathedral of Breslau; — Monsignor Giovanni Mazanek, Canon of the Cathedral of Cracow. HONORS His Holiness, through a note from the Secretariat of State and through a Brief, deigned to bestow the following honors: The Order of Saint Gregory the Great, civil class, Commander: April 19, 1910. — To Mr. Count Maria Sebastiano Gerardo Pietro de la Villegoutier. May 2, 1910. — To Mr. Ambrogio Petry, of the Archdiocese of New York. The Order of Saint Sylvester, Commander: April 11, 1910. — To Mr. Ferdinando Seeboeck, Sculptor. April 21. — To Mr. Giulio Moulinasse, President of the Committee of the Catholic Press in Belgium. April 28. — To Mr. Carlo Bianchetti, of Turin. The Order of Saint Gregory the Great, civil class, Knight: April 13, 1910. — To Mr. Marquis Carlo d'Antane, of the diocese of Digne. April 20. — To Mr. Angelo Desormeaux, of the Archdiocese of Rennes. April 27. — To Mr. Baron Carlo Gilles de Pélichy, member of the Chamber of Representatives in Belgium. April 28. — To Mr. Augusto David, of the Archdiocese of Cambrai. The Order of Saint

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Sylvester, Knight: April 11, 1910. — To Mr. Pietro Backx, of Antwerp. April 14. — To Mr. Gerardo Hülskens, of the diocese of Münster. April 22. — To Mr. Adelino Desguin, Director of the "Hainaut" in Belgium. April 28. — To Mr. Lodovico Baumann. May 2, 1910. — To Mr. Giorgio Baumberger, chief editor of the newspaper "Neue Zürcher Nachrichten" in Zurich.

[*Latin ed. p. 436*]

436 Acta Apostolicae Sedis. - Official Commentary. MAGGIORDOMATO OF HIS HOLINESS. By the grace of Our Lord, His Holiness, through a letter from His Excellency, the Reverend Monsignor Maggiordomo, has deigned to appoint:

Extraordinary Secret Chamberlains:

May 2, 1910. — The Reverend Father Peter Krawczynski, of the diocese of Cracow;

— The Reverend Father Anthony Gruszecki, of the diocese of Cracow.

May 3. — The Reverend Father Nicholas van Balen, of the archdiocese of Utrecht.

May 6. — The Reverend Father Adam Maciejowski, of the diocese of Plock;

— The Reverend Father Leo Goscicki, of the same;

— The Reverend Father Boleslaus Wrostowski, of the same;

— The Reverend Father Marian Kowalski, of the same;

— The Reverend Father Casimir Targowski, of the same.

May 17. — The Reverend Father Anthony J. Hordÿk, of the diocese of Bois-le-duc;

— The Reverend Father Joseph Falat, of the diocese of Premislia.

May 25. — The Reverend Father Joseph Busetto, Parish Priest of the Saints Gervasus and Protasius, in Venice.

May 30. — The Reverend Father Ferdinand Ritter, of the diocese of Budweis.

Extraordinary Chamberlain of the Sword and Mantle:

May 6, 1910. — Mr. Alfred Bourdin, of the diocese of Belley.

Honorary Chamberlain in Peacock Blue:

May 17, 1910. — The Reverend Father Paschal Holy Martin, of the diocese of Nicteroy.

[*Latin ed. p. 437*]

Year II. - Volume II. June 15, 1910. No. 11.

ACTA APOTOLICAE SEDIS: OFFICIAL COMMENTARY

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ACTS OF POPE PIUS X.

BY HIS OWN MOTION, CONCERNING THE UNION OF SAINT PAUL THE APOSTLE.

From the moment that We, having entered into the highest office by divine appointment, became aware of the needs of the Catholic name, We have never ceased, to this day, to strive above all else to ensure that the clergy throughout the world diligently perform their most sacred duties. For, since the virtue of the sacred ministry pertains to every aspect of life; and it is true that the salvation of the Christian people is in the hands of the priests; therefore, no one can deny that it is essential to restore the Christian spirit, both publicly and privately, that men diligently fulfill their duties in the sacred order, and worthily hold the rank of dignity. This is certainly understood by those who strive to undermine the Kingdom of Christ: whose almost sole endeavor is to break or weaken the power of the Catholic clergy; for they easily persuade themselves that this is a convenient path to their desired end. It is evident how those who surround the ministers of the sacred rites seek to ensnare them, either leading them away from the sanctity of discipline into profane ways, or, puffed up with false knowledge, diverting them from the guardianship of the Faith; or how violently, through false accusations and insults, they dishonor their reputation, or how, through unjust spoliations of property, they bring them into a state of distressing poverty.

Since Our care must extend to the entire body of the clergy, a particular part of this concern belongs to the clergy of the city of Rome, who ought to be an example to others. We have not long ago established a foundation to foster the study of virtues, enacting a law that each priest should withdraw to a retreat every third year; now, We intend to offer another proof of Our providence to them. For, since in every kind of endeavor, united forces are more effective than individual ones, it is Our will...

[*Latin ed. p. 438*]

Acts of the Apostolic See. - Official Commentary. 438. A certain society, more closely united, binds together Clerics, 'so that, assisting one another with counsel, examples, and services, they may not only preserve the fervor of spirit, but also, in all other respects, prosper more happily.' Indeed, that urban sodality offers no small benefit to the matter, the usefulness of which in the exercise of sacred duties has long been evident, but which is now, for very good reasons, restricted to quite narrow limits. We speak of the Pious Union of Saint Paul; which, at the end of the nineteenth century, was begun by the counsel of several priests to assist those who were sick in hospitals; subsequently, with the increase of the number of members, many devout laypeople joined, extending their care much further, and so grew that, as

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it were, from that tree, many works of priestly endeavor arose. However, most of these have now become obsolete; indeed, only three remain: one which is for young Clerics, for study or encouragement, according to the statutes of Our predecessor in the apostolic letters, which begin with the words "From which eternal," another which pertains to the exercise of the teaching of piety on holidays for children who attend the games of the Brothers in the Christian Schools; and a third, in which solemn gatherings of priests are held to explain matters of moral theology. Therefore, this type of sodality seems to us to need to be renewed, so that it may become a society of priests, united among themselves, for the cause of piety, learning, and mutual support. And since a priest is more able to live rightly and holily, far from domestic cares and dangers, it seems fitting to gradually lead the members to a community of life and sustenance; for it does not seem prudent to impose this law on the society at once, since it is often too difficult to remove all that hinders the matter. Furthermore, we do not wish to assign any particular field to this society, in which it may exercise itself. For, where the bishops of the Roman diocese have provided a sufficiently large number of priests, who are well instructed in virtues and doctrines, and who readily offer themselves, to devote themselves to the salvation of souls, this very fact will conveniently serve all the purposes by which religious affairs are promoted in the City. Therefore, in order that the clergy of the City of Rome may prosper, with a firm and certain purpose, we dissolve the Pious Union of Saint Paul, as it is constituted, and, under the same title, we establish a new association of priests, according to the laws written below; to this new Union, we give all the goods and rights that belonged to the old one. Furthermore, of the three works that depended on the Union now dissolved, we extinguish that which we said pertains to the cultivation of students with piety in the Christian Schools, and we leave all the administration of the matter to our Cardinal Vicar in the City; the other two works we will—

[*Latin ed. p. 439*]

439 The acts of Pope Pius X are to remain in force, but in such a way that they are not distinct from the new association, but rather are incorporated into it. Finally, we add the Sodalitas Sacerdotum ab Asceterio Nocturno, to which Our predecessor Leo XII granted, by apostolic letters entitled "Amplissima," in the year 1826, the church of Maria Pacifera; we join this to the Paullian Union into one body: and we grant to this Union the exclusive right to use the buildings of that church, saving the rights of the Presbyter Cardinal who holds that title.

NEW LAWS CONCERNING THE FOUNDING AND GOVERNANCE OF THE PIOUS UNION OF SAINT PAUL THE APOSTLE.

CHAPTER I. OF THE NATURE OF THE PIOUS UNION.

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§ I. The Pious Union of Saint Paul the Apostle is an association of priests, founded in Rome under the patronage of the Doctor of the Gentiles in the year 1797, to which this new constitution is given by apostolic authority.

§ II. The purpose of this Union is fourfold: to preserve and foster the priestly spirit in its members, not only with regard to the individual benefit of each member, but also with regard to the good of the Christian people; to promote the study of doctrine, especially sacred doctrine, among the clergy; to care for the economic affairs of the members, and this through such institutions as may seem useful, while preserving the dignity of the clergy; and to provide legitimate defense for the clergy, whenever it may be necessary, whether for the sake of individuals or of the entire order.

CHAPTER II. IN WHAT WAYS THE MULTIPLE PURPOSES OF THE UNION ARE TO BE ACHIEVED.

§ I. For the sake of fostering the priestly spirit, the members shall frequently, on designated days, hold discussions among themselves about the duties of priests; they shall also, each month and each year, attend the asceterium; and finally, they shall perform no act that is not conducive to this purpose.

§ II. For the sake of promoting learning, the Paullian Union shall hold gatherings on matters of morals and of liturgy; it shall prepare a library for its members, and a reading room with journals and books; it shall also establish lectureships on pastoral theology, and on other matters pertaining to the proper performance of sacred duties; to these, prizes shall be offered and regulations established for study.

[*Latin ed. p. 440*]

Acta Apostolicae Sedis. - Official Commentary. With the aid of 440 daily subsidies, urban priests and clerics may be called to doctrinal discussions, so that those who excel may possess the ability to attain academic degrees in any discipline. § III. With regard to the economic aspect, there will be two common funds within the Pious Union: one to assist ailing members, and another to provide loans; and each will have its own statute. Furthermore, whatever else may seem appropriate in this matter, it may be attempted. § IV. Finally, the Pious Union will include a group of lay lawyers, who will provide legal advice to the members, and who will defend the clergy in court, should it happen that they are unjustly harmed, as often occurs through public writings. CHAPTER III. ON THE COOPTATION AND OFFICES OF MEMBERS. § I. Only secular priests, who are from the diocese of Rome or who reside in the city of Rome, may be coopted into the Pauline Union. § II. Whoever wishes to be coopted, shall request it in writing from the Primary Moderator of the Union, and in that letter, it must be stated that nothing from the Vicariate prevents the granting of the request. § III. Upon the request being made, the Primary Moderator shall refer it to the Council governing the Union, which Council has the power to decide on

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the admission of members. § IV. Members, according to their individual abilities, shall contribute to the endeavors proposed to the Union. § V. Each member shall pay a single Italian lira each month into the common fund. § VI. All members shall be of the same order. However, if anyone has provided a significant benefit to the Union, either through resources or through work, it shall be permissible, at the request of the Supreme Council, to bestow upon them the title of "member of merit" in the general assembly of members. CHAPTER IV. ON THE ADMINISTRATION OF THE UNION. § I. The Cardinal, in place of the sacred prelate of the city, will oversee the Union, and he will have full right and power within the Union itself and in all the works of the Union. § II. The Cardinal patron can delegate parts of his patronage to the prelate, who performs his duties in the city in his stead.

[*Latin ed. p. 441*]

Acta Pii PP. X. § III. The Primary Moderator, who presides over the Union, has eight councilors, a secretary, and a treasurer assisting him, from whom the Council is constituted to direct the Union. § IV. The eldest of the councilors, in the absence of the Primary Moderator, succeeds to his office. § V. Since, for the four purposes of the Pious Union, the Council requires care for so many provinces, two councilors preside over each province. These, in their respective duties, if they deem anything to be beneficial, do not themselves determine anything, but submit all things to the Council. § VI. The Primary Moderator and the councilors are elected every third year in the general assembly of the members. § VII. It is permissible for anyone to continue in office for a second three-year term; beyond that, it is not permissible, unless the approval of the Cardinal Patron is added. § VIII. If, during a three-year term, the office of Primary Moderator becomes vacant, the members, in the general assembly, elect another to fill that office until the end of the three years. The same condition applies to those elected to other offices; however, in these cases, the power of election belongs to the Council directing the Union. § IX. The Council shall be held at least once each month. The number of councilors present will be considered legitimate if, together with the Primary Moderator or the one who holds the office of the Primary Moderator, at least four councilors are present. § X. The votes of the councilors have the force of deliberation. However, decisions are not valid unless they have been approved by a majority of the votes of those present. CHAPTER V. OF THE GENERAL ASSEMBLY OF THE MEMBERS. § I. Every year, in the month of January, all those who are enrolled in the Pious Union assemble together before the Cardinal Patron or the one who manages his affairs. Here, first, the series of events carried out during the previous year is explained, and the state of the economic affairs is presented before all. Then, two synods are chosen to examine the accounts and to approve them. Finally, matters that the Council has

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brought up for discussion are addressed. § II. The general assembly may be held out of turn as often as the Primary Moderator, together with the Council, deems it necessary, or if at least one-fifth of the members request it. § III. The Primary Moderator, or the one who holds his place, presides over the general assembly.

[*Latin ed. p. 442*]

Acta Apostolicae Sedis. - Official Commentary. 442, the president. But the secretary of the Council shall be chosen from among the members of the general assembly. § IV. The general assembly has no authority unless at least one-tenth of the members are present. However, what is approved by the majority of those present shall have the force of a legitimate decree only. § V. The general assembly, once convened, shall have the authority of a legitimate assembly, whatever the number of those present may be. § VI. No member shall be permitted to represent another member in the general assembly; nor shall a vote be cast by a proxy or in writing. § VII. Each member may propose to the Primary Moderator any matters which they believe should be deliberated upon in the general assembly. However, such proposals shall not be made unless they are submitted at least one month before the assembly is convened. § VIII. If anything is to be amended in the laws of the Pious Union, at least one-fifth of the members must be present, and at least two-thirds of those present must be of the same opinion; otherwise, it shall not be considered a legitimate amendment. But if the assembly, after being convened once and then again, is convened a third time, then the number present or the number of votes shall be of no consequence; it will suffice that those who are present agree by a majority. § IX. No derogation or innovation of the laws of the Union shall be put into effect unless it has been approved by the Cardinal Patron. § X. Whatever is determined in the general assembly, the Primary Moderator, or whoever performs his duties, may prevent it from being carried out until he has informed the Cardinal Patron of the matter. CHAPTER VI. OF THE SEAT OF THE PIOUS UNION. § I. The seat of the Pious Union shall be in the church of *Mariae Paciferae* and in the buildings therein. § II. Every year, on the eighth day of February, all the members shall celebrate the sacred solemnity of Saint Paul the Apostle in that church. § III. The associated priests shall, according to their ability, take care of the sacred things of that church; and they shall especially devote themselves to the administration of the sacrament of Penance and to the care of souls. § IV. Twelve priests shall be chosen by the Pious Union to form a supreme council, who shall administer all the sacred rites in that church, and shall exercise their functions according to certain regulations. And all these things, as they have been decreed above, we wish to be firm, stable, and established forever;

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notwithstanding.

[*Latin ed. p. 443*]

443. Acts of Pope Pius X. By Apostolic Constitutions and enactments—specifically, the letter of Pius VII, "Ex quo aeternae mentis," concerning the statutes of the aforementioned institution; and the letter of Leo X II, "Amplissima"—and all other contrary enactments whatsoever. Given in Rome, at St. Peter's, on the twenty-sixth of May, 1910, in the solemnity of the Body of Christ, in the seventh year of Our Pontificate. PIUS P. X. BY OUR OWN MOTION, CONCERNING THE INDULGENCE OF THE "PORZIUNCULA," CELEBRATING THE SEVENTH CENTENARY FROM THE FOUNDATION OF THE ORDER OF THE MINOR FRATI. As the sacred solemnities approach to mark the happy completion of seven centuries since the foundation of this most excellent Order, and that the event may remain forever in the memory and bear fruit, and in order to encourage the pious wishes of the faithful for the easier attainment of the INDULGENCE of the "PORZIUNCULA," as it is called, We, moved by Our own will and with full knowledge, by Our supreme Apostolic authority, decree and ordain as follows: We confirm, that is, We maintain in full force all previously granted concessions and faculties concerning the aforementioned Indulgence, which have not yet expired; We grant to all and each local Ordinaries the power, for the benefit of the faithful and according to the needs of the place, to designate one or more churches or public or semi-public oratories within their own jurisdiction, where the faithful, having been duly confessed and having received Holy Communion, and devoutly praying according to Our intention, from the vespers of the first day to the sunset of the second day of August of the current year, may, as often as they visit them, obtain and enjoy, just as if they had visited a church of the Order of the Minor Friars, a Plenary Indulgence, applicable to the souls being cleansed by the fire of Purgatory. We also grant that the same Indulgence may be obtained by the faithful of both sexes who lead a common life, under the same conditions and in the same manner, by visiting their own church or, if they lack one, their own domestic oratory, where the Most Holy Eucharist is reserved, as mentioned above. Lest anyone, for perhaps special circumstances, be deprived of the opportunity to enjoy this most excellent spiritual benefit, We benignly...

[*Latin ed. p. 444*]

Acts of the Apostolic See. - Official Commentary. 444. We grant to the Ordinaries of the aforementioned places the power to establish, for the benefit of the faithful living in their communities, both those of the world and those dedicated to a religious life, a day for gaining the aforementioned Indulgence, namely the second day of August, the Sunday immediately following, from the Vespers of Saturday until sunset on that Sunday; how-

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ever, under the condition that no one may avail themselves of this concession more than once. Furthermore, we earnestly desire and most strongly recommend that, in the churches and chapels designated for gaining the Indulgence, special public prayers be offered to God for the Supreme Pontiff, for the clergy, and that these prayers, along with the invocation of the Sanctuary, the universal prayers, the Litany of the Saints, and the Eucharistic Blessing, be performed. Thus we will, we decree, we establish, we command, ordering those to whom it pertains to ensure that all of these things are brought to the attention of the faithful in a timely manner. These provisions are valid only for this year and this occasion. All contrary provisions, even those worthy of special mention, are hereby set aside. Given in Rome, at St. Peter's, on the ninth day of June, in the year 1910, in the seventh year of Our Pontificate. PIUS PP. X. APOSTOLIC LETTER. THE SOCIETY OF OUR LADY OF HELP OF CHRISTIANS AND QUEEN OF PEACE, LOCATED AT "BEAU-CHÈNE" IN THE DIOCESE OF SAGIENSI (SÉEZ), IS ERECTED INTO AN ARCHCONFRATERNITY. PIUS PP. X. For the perpetual memory of this event. Following in the footsteps of Our Predecessors, the Roman Pontiffs, we gladly and gratefully bestow special titles and privileges upon the pious association of the faithful, which is dedicated to the benefit of human society and to the most opportune endeavors; so that, with God's help, it may be able to receive more abundant growth and to more easily achieve its good aims. Guided by this purpose, we have decided to grant, in accordance with pious requests, to the rector of the church in the town commonly called Beauchène, in the Diocese of Sagiensi, who, inflamed with a desire to promote peace, humbly petitioned Us, that we might deign to establish, with a special expression of Our paternal will, a confraternity in the aforementioned church.

[*Latin ed. p. 445*]

In Actus Pii PP. X., page 445, under the name and in honor of the Blessed Virgin, Help of Christians and Queen of Peace, this confraternity was instituted, primarily for the purpose that the most holy Virgin be venerated with the greatest devotion by its members, who, while giving birth to the Son of God, the only-begotten, heard the angels singing the hymn of peace. Indeed, nothing is more ancient than the promise made by the Virgin to the people, that this most excellent and desired peace, for the good of all men, to nations and especially to Christians, would be granted, and that through the intercession of the blessed Virgin, it would constantly and eternally endure in families, in nations, and throughout the entire world. Therefore, the confraternity in the Church of the town of Beauchène, in the diocese of Sagia, under the invocation of the Virgin, Help of Christians and Queen of Peace, canonically established and already widely spread, We, by these presents, with Our Apostolic authority, erect and establish as an Archconfraternity perpetually, and We augment it with all the privileges

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with which Archconfraternities are customarily adorned. Furthermore, We grant, with Our Apostolic authority, to the moderator and officials, present and future, of the confraternity thus erected into an Archconfraternity, perpetually and without limit, the right to lawfully aggregate to it canonically existing societies of the same title and institute throughout all of France, observing the Apostolic Constitutions mentioned above, and in particular those of Our Predecessor, Pope Clement VIII. And, with the same authority, We grant that they may communicate to these societies all indulgences and spiritual graces, as granted by the Apostolic See to this Archconfraternity, which, however, may be communicated to others. We decree that these presents shall be firm, valid, and efficacious, and shall have and obtain their full and complete effect, and that they shall fully suffice for those to whom they pertain, in all things and through all things; and that, in matters concerning these things, those who are to be judged and defined by ordinary and delegated judges shall be so judged and defined, and that anything contrary to these shall be null and void, if anyone, knowingly or unknowingly, should attempt to alter them in any way, by any authority whatsoever. Notwithstanding Our regulations and those of the Apostolic Chancery regarding matters of law, and other Apostolic Constitutions and ordinances, and other provisions, special and individual, worthy of mention and derogation, which may be contrary to these. Given at Rome, at St. Peter's, under the Fisherman's ring, on the 20th of April, 1910, in the seventh year of Our Pontificate.

R. L.

S. CARD. MERRY DEL VAL, Secretis Status.

[*Latin ed. p. 446*]

Acts of the Apostolic See. - Official Commentary. 446 f LETTERS. I. TO THE REVEREND FATHER DOM SEPTIMIUS CARACCIOLO DI TORCHIAROLO, BISHOP OF ALIPHANO, CELEBRATING THE TWENTY-FIFTH ANNIVERSARY OF HIS HOLY PRIESTHOOD, FOR THE PURPOSE OF CONGRATULATION. We have received letters from this place, bringing news of common joy. It has been brought to Our attention that the twenty-fifth anniversary of your priesthood is approaching; and those, whether from among the clergy or the laity of your diocese, who have been chosen to confer the honors that will be bestowed upon you, and to arrange for the popular festivities with which this solemn occasion will be celebrated, have also invited Us to share in their domestic joy, so that Our fellowship may make this most desired day shine even more brightly for you and for them. We gladly assent; and We wish these letters to be a testament to Our paternal benevolence, and to you, Venerable Brother, also to the prayers with which We earnestly implore God, to whom you, from your very beginning in the sacred life, offered "a portion of your inheritance and of your cup," that He

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may keep you "in the way" as you strive, adorned and strengthened by the priesthood and the episcopate, to complete the good work of faith, until He "introduces you into the place that He has prepared," restoring to you your inheritance. May God, the author of all good things, grant Our wishes; and may the Queen of Heaven, the most loving Mother of You and of all of us, to whom the last days of joy are dedicated, soon fill with blessings the remembrance of your priesthood. May the grace of Our Lord Jesus Christ be upon you, Venerable Brother, and with all those entrusted to your care, whom We most affectionately bless, and you above all. Given at Rome, near St. Peter's, on the twentieth day of May, in the year 1910, in the seventh year of Our Pontificate. PIUS PP. X. II. TO THE REVEREND FATHER JOSEPH DERNAZ, BISHOP OF LAUSANNE AND GENEVA, CELEBRATING THE SIXTIETH ANNIVERSARY OF HIS HOLY PRIESTHOOD, FOR THE PURPOSE OF CONGRATULATION. It was certainly a wise decision that you made, when, as the anniversary of your priesthood approached, you resolved to offer eternal thanks to God, whose most present help will bring joy to your old age. But also, it is fitting that...

[*Latin ed. p. 447*]

To the Holy Congregation of Sacraments. Considering past deliberations and recalling the frequent instances and the distinctions which, through your long-standing ministry, with God's help, have brought forth merits and benefits, feeling that you owe a complete debt of gratitude for the piety you have shown towards your flock, we implore you, that through multiplied supplications to God, you may more readily and effectively excite and obtain His benevolent will. Moreover, We, who, as witnesses of your pastoral zeal, yield to no one in loving and honoring you, desire to be your helpers in beseeching God and the first to offer auspicious blessings. We earnestly pray that you may receive an abundant share of heavenly graces, as a reward for your labors undertaken for the Church, and as an incentive to further action: and with this, We impart, with paternal affection, the Apostolic Blessing to you, to your clergy, and to your people. Given at Rome, near St. Peter's, on the twenty-first day of May, in the year 1910, in the seventh year of Our Pontificate. PIUS PP. X.

The Holy Congregation of Sacraments, GOA and others. Doubts concerning the Decree on Spouses and Marriage. By virtue of the laws established through concordats between the Apostolic See and the most faithful Kingdom of Portugal, concerning the exercise of royal patronage in certain dioceses of Eastern India, it was decreed that, with regard to certain faithful, the jurisdiction of certain Ordinaries in that region should be personal, not only because these Ordinaries have been granted exclusive and exempt jurisdiction in certain places outside the continuous territory of their own diocese and within the territory of another diocese, but also because, due

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to a change of domicile from one diocese to another, the jurisdiction of each Ordinary over the migrating subject is not lost. And with regard to marriages to be celebrated, in the meetings of the Sacred Congregation of the Propagation of the Faith, together with the Sacred Congregation for Extraordinary Ecclesiastical Affairs, on September 11, 1887, in response to question V I: "Whether, with regard to the parishes, baptisms, marriages, the Paschal Communion, Extreme Unction, and the Holy Viaticum (in the Archdioceses of Bombay), it is permissible for the exempt [churches] to freely appeal to the Ordinary of the place or to his priests, without mentioning the question of renouncing the exemption," the answer was: "No"; and these and other similar decisions were subsequently extended to all dioceses of double jurisdiction.

[*Latin ed. p. 448*]

Acta Apostolicae Sedis. - Official Commentary. 448 It appears that the aforementioned personal and exclusive jurisdiction concerning parishes is restricted, with regard to marriages, in dioceses, according to the published Decree *Ne temere*, concerning betrothals and marriage, inasmuch as the jurisdiction of Ordinaries and pastors concerning the assistance to be rendered at marriages is entirely territorial. Indeed, with regard to pastors who, within the territory assigned to other parishes, have subjects under their authority, it has also been decided by the Most Holy Council in Rome and others, in the *Responsa ad Dubia* concerning the decree on betrothals and marriage, of February 1, 1908, that they may validly assist at the marriages of their subjects, wherever they are within that territory, provided they use the prescribed formula with the Most Holy. But this resolution, with regard to validity, does not seem to affect the rights of territorial pastors; who, therefore, according to the cited decree *Ne temere*, always validly, and also lawfully, after the required month of residence of either of the contracting parties, may assist at the marriages of the faithful, even those who are exempt. Consequently, when the question of this aforementioned double jurisdiction arose in the East Indies, concerning the new provisions of the decree *Ne temere*, between the Archbishop of Bombay and the Bishop of Daman, at the general meeting of the Holy Council held on July 27, 1908, in Rome and others, the following question was proposed: "Whether subjects of the Bishop of Daman, residing nevertheless in the diocese of Bombay, and conversely, subjects of the diocese of Bombay residing in the diocese of Daman, in order to enter into a valid and lawful marriage, are obliged to appear only before the personal pastor, or whether they may also appear before the pastor of the territory?" To this question, the Most Holy Fathers responded: "Deferred." At that time, the current Archbishop of Goa, Patriarch of all the East Indies, for honor's sake, and also in the name of the Ordinaries of the Province of Goa, and, on the other hand, the aforementioned Archbishop of Bombay, repeatedly requested that the

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question be resolved; and the Archbishop of Goa also presented information concerning places and persons for whom this double jurisdiction is in force; therefore, as was the opinion of the Most Holy Congregation of the Council, the question concerning all dioceses of this kind in the East Indies was to be definitively resolved. To this end, at the plenary meeting of this Most Holy Congregation for the Discipline of the Sacraments, held on May 21, 1910, the following question was proposed to be resolved: "Whether those residing in places in the East Indies in which double jurisdiction is in force..."

[*Latin ed. p. 449*]

The Holy Congregation of Religious. Concerning jurisdiction, it is held that, in order that a marriage may be valid and licit, only 449 marriages must be celebrated before the parish priest of the place, or they may also be celebrated before the parish priest of the territory. And the Most Reverend and Most Reverend Fathers, having maturely considered the matter, judged that the proposed question should be answered as follows: Considering the particular circumstances of each marriage, the answer is negative in the second case mentioned; otherwise, the answer is affirmative, with the understanding that the matter is to be reported to the Most Holy Father. Furthermore, after a report on all matters was presented to the Most Holy Father by the Reverend Father, Secretary of the same Holy Congregation, in an audience on May 29, 1910, His Holiness deigned to approve and confirm the decision of the Most Reverend Fathers. Given from the offices of the Holy Congregation for the Discipline of the Sacraments, on the 2nd day of June in the year 1910. D. CARD. FERRATA, Prefect. L. © S. Ph. Giustini, Secretary.

HOLY CONGREGATION OF RELIGIOUS: QUESTIONS CONCERNING THE INTERPRETATION OF DECLARATIONS of September 7, 1909. Since certain doubts have arisen concerning the correct interpretation of the Declarations of this Holy Congregation of Religious, dated September 7, 1909, regarding Article VI, of the Decrees, their solution has been requested by this same Holy Congregation, namely:

1. Whether the aforementioned Declarations apply only to religious houses of study in Italy alone, or also to those established everywhere in the world.

2. Whether the same Declarations must be observed by those religious congregations in which vows are taken, or also by those in which students are bound by a simple promise of perseverance, such as in the case of the Eudists.

3. Whether, during the time of vacations, and with increased effort in studies, the entire course of Theology can be completed in only three years; or rather, whether it must always be extended over four full academic years, that is, over forty-five full months, including the vacations of the three

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preceding years.

And the same Holy Congregation, having maturely considered the matter, judged that the following answer should be given:

[*Latin ed. p. 450*]

Acts of the Apostolic See. - Official Commentary. 450 To item 1. Negative to the first part; Affirmative to the second. To item 2. Negative to the first part; Affirmative to the second. To item 3. Negative to the first part; Affirmative to the second. Notwithstanding any contrary opinions. In Rome, on May 31, 1910. Fr. I. C. CARD. VIVES, L. Eg S. Prefect. F. SEGUSINA Cherubini, Under-Secretary. (Susa). REGARDING THE CELEBRATION OF ADVENT MISSES. Under the blessed reign of Pope Pius VII, on March 5, 1910, the Most Reverend Fathers, John Prior, Aloysius Sincero, and Frederick Cattani, Auditors from Tournon, in the case of Segusina, concerning the right to celebrate Advent Masses, after hearing Peter Viglione, the rector, who was appealing for support, and Vincent Sacconi, the cathedral canon, who was appealing against the decision, and Anthony, represented by his legitimate procurator, Tonda, the Preposit of the Church of Lombardy, also represented by his legitimate procurator, delivered the following final judgment. Formerly, funerals in the city of Segusina were customarily celebrated in the Church of Gratiarum, which served as an auxiliary to the Cathedral Church, and was located near the ancient city cemetery. However, in the year 1890, at the initiative of the Municipality, the cemetery was moved to a location further from the city, and it became necessary to designate another church, "where the Preposit of the Cathedral Church, who also serves as the parish priest in that church, could more conveniently perform funeral services." For this purpose, the Church of Saint Charles was considered, but this burden was imposed upon it for only a few years, as the Municipality deemed it to be particularly unsuitable. While the municipal authority insisted that funeral Masses, with the body present, should be celebrated in the Cathedral Church, the Chapter of that same Church opposed it. Therefore, Bishop Rosaz decided that, with contributions from the faithful, a new church should be erected under the patronage of the "Suffragio," and the purpose of this church was described in the documents of that time as follows: "It will serve for the funeral services of this city, and at the same time, it will be like a sanctuary to the Madonna del Suffragio."

[*Latin ed. p. 451*]

The Roman Rota. The Reverend Father Peter Viglione was the prefect of this happily established church for 451 years, and he has served it until this very day! For approximately five years, during the episcopate of Rosaz, he did not dare to sing Mass in the vernacular, concerning which the present question arises. Indeed, that same Bishop, by decree of the year 1885, de-

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clared that the custom of Segusina was in force, by which rectors of non-parochial churches were prohibited from singing such Masses without the permission of a parish priest. Against this decree, the aforementioned rectors appealed to the Sacred Congregation of the Council, which responded on May 29, 1886: "The proofs regarding the prescription are to be extended and assisted." With this response, the Prefect Peynetti no longer pursued the matter. After the death of Bishop Rosaz, the Reverend Father Viglione, requesting that the present Bishop allow him to sing the aforementioned Masses without the consent of the parish priest, received assent from the current Bishop, who at the same time warned him of the complaints that the Prefect would likely bring. In fact, he himself instituted an action in the Segusina court, which, with a judgment delivered on July 20, 1901, awarded the Reverend Father Viglione, rector of the church dependent on the suffragan see, the right to sing the aforementioned Masses. An appeal being interposed to the Sacred Congregation of the Council, the case was brought before the Sacred Roman Rota, which, with the following question in doubt: - Whether it is established by law that the Reverend Father Viglione, rector of the church dependent on the suffragan see, can sing vernacular Masses, even funeral Masses, without the permission of the parish priest in the case in question - responded negatively on April 6, 1909. Since this Rota judgment was not confirmatory of another judgment issued in the same case, the Reverend Father Viglione, exercising his right, in accordance with canon 33, no. 2 of the Proper Law of the Holy Roman Rota, appealed to the next Rota session, and the question to be decided today is presented under the formula of the doubt: "Whether the Rota judgment in this case should be confirmed or rejected?" In the prior instance, three main grounds were presented in support of the judgment issued in favor of the Prefect: 1. The legal status of the Cathedral Church, which placed the burden of proof on the Reverend Father Viglione; 2. The special dependence of the church dependent on the suffragan see on the Cathedral Church; 3. The presumption of the existence of a custom in favor of the parish priest of the Cathedral Church. The Reverend Father Viglione contended that the law supported him, because the Decree of the City and the World of December 10, 1703, undoubtedly granted him, as rector of a non-parochial church, the right to sing vernacular Masses, and therefore he concluded that the burden of proof to the contrary belonged to the opposing party. The previous judges, however, declared that the common law supported the Prefect.

[*Latin ed. p. 452*]

Acta Apostolicae Sedis. - Official Commentary. 452 "For, they argued, the cathedral church, as opposed to other churches, even parochial ones, 'claims a certain superior authority, and almost a dominion over the inferior churches, which some doctors deduce from chapter 2 concerning monastic

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chapels, whose summary states: - 'If a non-cathedral church claims a right over another church, it will obtain it only with regard to those things which it has obtained by prescription or by some other legitimate means.' Also, from the final chapter concerning the office of the Archdeacon. Indeed, all other churches in the diocese ought to recognize and revere the cathedral church as their matrix, their head; hence, they can only claim rights against the cathedral church if they demonstrate that they have acquired them by a legitimate title; therefore, by right of inheritance, the rights belong to the cathedral church, and certainly do not belong to another church that has not acquired them.' And further, after reciting the opinions and royal decisions of some doctors, in which the principle is affirmed that the cathedral church has a founded intention regarding the subjection of other diocesan churches, the following condition is imposed on this privileged cathedral church: '. . . . for this prerogative belongs to the cathedral church, not because it is a certain parochial church, having its own rights and its own boundaries, just like other parishes, but because it is the church of the Bishop and, as it were, the parish of the entire diocese, and the matrix and head of other churches.' "In the present action, the effect of this prerogative is that 'the Prelate of the cathedral church is relieved of the burden of proof, as Schmalzgrueber states in the title concerning monastic chapters, no. 17, saying that 'the cathedral church has a founded intention regarding the subjection of churches located within the boundaries of its diocese,' and therefore is relieved of the burden of proof, and this is rejected by the opposing party.' Regarding the special dependence of the church on the Suffragium, the following opinion has already been given: '* from its origin, it is coadjutorial and auxiliary to the cathedral church, for this is its most important reason, so that the funerals of the faithful parishioners may be performed freely and conveniently there; therefore, any independence from the cathedral church is alien to its purpose, and would disrupt the exercise of divine worship.' Concerning custom, the judges say: 'Although it cannot be fully proven, especially because the witnesses were not judicially examined, nevertheless, given especially the synodal prescriptions, a presumption arises in favor of the Prelate, which rejects the burden of proof placed on the opposing party.' In the present instance, the judges considered that the priest Viglione, rector of the church under the Suffragium, should be relieved of the burden of proof, by reason of the law."

[*Latin ed. p. 453*]

453 The Roman Rota, in a decree common to the City and the World, dated 1703, established a statute, to which, in this case, they have decided that no privilege whatsoever should prevail over the legal prerogatives of the Cathedral Church, so that, even if there is a dispute between it and a lower church, the burden of proof can be shifted to the latter; and, in particular, the principle derived from various doctors and decisions of the

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Rota, which states that the Church has a legal claim over the subordination of other diocesan churches, although this is certainly true and has been repeated many times by this Holy Order, yet, immediately following the promulgation of the Decree of the City and the World in the year 1703, they declare that it cannot be applied to the present case, for reasons which will now be explained. The principle, primarily derived from the *Summarium*, chapter *Dilectus 2*, concerning monastic churches, and expressed in the words of Fagnani, or in the decisions of the Rota, in the aforementioned judgment, contains two assertions, as generally taught by dialectic concerning an exclusive proposition; one affirms that "No church, except the Cathedral Church, establishes its claim to the subordination of another church," even if that church is located within the limits of its parish; and the other denies that "No other church establishes its claim to the subordination of another church except in relation to parochial rights." Having made this distinction, the Most Reverend Auditors noted that in none of the decisions of the Rota cited in the judgment appealed, namely, in that masterful decision before Coccino, Decree 552, part 5, Recen.; or before Lancetta, Decrees 784 and 988; or before Molines, Decree 990, volume 4; or finally, before Ansaldo in *Bisinianen. Praeeminentiarum*, Decree 483, volume 5, in none of these decisions is the aforementioned principle applied regarding its affirmative part, but only regarding the excluding and negative part. Indeed, in none of the aforementioned decisions is the question of the rights of the Cathedral Church discussed, but the principle is brought up to exclude the claim of the lower Cathedral Church, which claims certain rights over another church located within its limits. Therefore, it would be futile to seek an explanation in such decisions of the Sacred Roman Rota regarding the positive effects of such a principle, to the extent that it affirms the rights of the Cathedral Church. Considering, furthermore, the positive scope of the aforementioned principle, or its affirmative part, as reported by Schmalzgrueber in the aforementioned judgment: "The Cathedral Church has a claim to the subordination of churches located within the limits of its diocese," the Most Reverend Auditors also noted...

[*Latin ed. p. 454*]

Acta Apostolicae Sedis. - Official Commentary. The term "Ecclesia Cathedralis" is ambiguous, and therefore must be understood according to the subject matter at hand. As Barbosa writes, Appellatives, 85: "The appellation 'Ecclesia Cathedralis' sometimes refers only to the Bishop, sometimes only to the Chapter, and sometimes to both; it also signifies 'a college of clerics': furthermore, it signifies something distinct from the Bishop, as is shown by numerous examples in Feder. de Senis, cons. 296, etc." Just as the Church of Rome sometimes signifies only the Supreme Pontiff, so too the title of Bishop is sometimes used to refer to the Bishop himself. The subject matter relates to the aforementioned positive principle,

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which is the ordinary jurisdiction of the Bishop over the entire diocese, so that in this case, "Ecclesia Cathedralis" signifies only the Bishop. This is evident from what Bourlemont states in Decis. 469, n. 1 and 23, part. 19, vol. 2, where he discusses the same principle: "One (rule), namely, that no church, except the mother church, or cathedral, is by right invested with the intention of subjection over other inferior churches, unless it proves this from special law or prescription, from text cap. Dilectus, 2, de cap. Monach., where canonists commonly interpret and it is approved by the Rota in Decis. 552, n. 11, part. 5, vol. 2, Recent. - and (the decision, namely, the one in question in the appeal) repeats, among Coccin., Decis. 2089, n. 10 et seq. Regarding the same rule, n. 23 follows: 'Nor does the fact that it is a collegiate church, and therefore inferior to the cathedral church, invalidate the rule that it does not have other inferior churches subject to it, unless by special law or prescription, because it does not claim subjection and jurisdiction over the inferior churches, in which terms the text in the aforementioned passage is interpreted by commentators, and to that effect, cap. Dilectus 2, de cap. Monach., and Doctors, but only claims preeminence in ecclesiastical functions, etc.'" Therefore, the Doctors interpreting the aforementioned chapter de cap. Monach., according to this Rota decision, interpret the rule or principle concerning jurisdiction over all churches in the diocese. Ansaldus himself, speaking of the Decision that he gave in Bisinianen. Praeeminentiarum, confirms the same interpretation of the principle. "On May 17, 1710, according to what is said: 'In the aforementioned, they are subject to the Bishop, and in the rest, they have a more powerful jurisdiction than that which the Bishop fosters with inferior prelates, from the fully established in Toletan. -Jurisdiction, etc., and they make known, or dispute, and explain in Bisinianen. -Praeeminentiarum on February 10th of the current year, before me.'" Furthermore, Krimer S. I., in tit. 36 de relig. domib. n. 3021: "All texts on which this common subjection of churches and monasteries in law is based, relate to the Bishop or..."

[*Latin ed. p. 455*]

The Roman Rota. 455 "The local ordinary speaks of the Bishop and the power of episcopal jurisdiction; none of these things pertain to parish priests, and they relate to churches within the boundaries of the parish." Indeed, only the Bishop possesses such ordinary jurisdiction over all churches in the diocese. The Chapter, while the Bishop lives, has no jurisdiction in the diocese. Rota, Decisions, 217, n. 2, part 1. Rec. Firmana-Benefice - before Lugdunen., Leuren. For. Benef. de Pot. Cap., question 471, and the authors generally. If the Chapter does not possess such jurisdiction, much less does the parish priest of the Cathedral Church. In the most ancient law, certainly, vicars born of the Bishop, whether in temporal or spiritual matters, were dignities of the Chapter, such as the

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Archdeacon and Archpriest. De Luca, on Preeminences, treatise 20, n. 13 and 23. But long before the Council of Trent, this arrangement was mostly abolished by contrary custom, so that the only Vicar General appointed by the Bishop is the one who is to exercise jurisdiction throughout the diocese. De Luca writes, on Preeminences, treatise 20, n. 14: "These dignities are no longer in use, so that modern Archdeacons and Archpriests are called such abusively, retaining some vestiges of the former dignity only in matters of ceremony, as Lotterius states, in *De Beneficiis*, book 1, question 16, n. 107 and following; Sanchez, on Matrimony, book 3, dispute 27, at the end." As for the common law today, neither the Chapter, nor any of its dignities or actual members, participates in episcopal jurisdiction while the Bishop himself lives. Furthermore, the *Commentaria* on the chapter of Monastic Institutes clearly show that the Doctors in that chapter, in the aforementioned section 2, demonstrate that the summary of that chapter can only be understood to refer to the Bishop. It will not be amiss to quote some of their words here. Thus, Barbosa, in the chapter on the chapter of Monastic Institutes, says: "The words, 'Let there be in your parish,' etc., indicate that every church, because it is established in some diocese, must be subject to the Bishop of that diocese, unless it is proven to be exempt." Similarly, Krimer, on the chapter of Monastic Institutes, n. 3048: "From this it follows that every church, simply because it is established in some diocese, must be subject to the Bishop of that diocese, unless it is proven to be exempt...." Pirrhing, in the same chapter, says: "From the fact that a church is located within the boundaries of some parish, it does not rightly follow that it is subject to that parish, nor does this have a foundation in common law regarding the subjection of a church located within the boundaries of that parish. Nor does the aforementioned canon *Constitutus* regarding religious houses contradict this, for it speaks of the Bishop, or of the Cathedral Church, and not of a lower church."

[*Latin ed. p. 456*]

Acta Apostolicae Sedis. - Official Commentary. 456 "Nowhere is it expressly found by law that, as alleged by the Syndic 'of St. Cecily' in this chapter (Dilectus), a church situated in any 'parish' is subject to the same [authority]." Furthermore, Schmalzgrueber, in *De cap. Monach.*, n. 17, whose words are cited in the sentence in question, states: "Regarding the two texts, they speak of the Bishop and the Cathedral Church, which, as stated in title V, n. 5, 'has the intention of subjecting the churches situated within the boundaries of his diocese.'" In the preceding title, to which the author refers, under n. 4, he assigns the reason for this established intention: "The Bishop, simply by the fact that it is established that the church is situated within his diocese, has the intention and presumption in law regarding its subjection. This is because the jurisdiction of the Ordinary extends throughout the entire diocese by presumption of law,

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encompassing all things that are not proven to be exempt." Therefore, it is not surprising that the most ancient commentators on the Decretals, such as Innocent IV, Hostiensis, and John of Andrea, in this chapter *Dilectus* of *De cap. Monach.*, after reciting the summary, do not mention a word about the Cathedral Church in their entire commentary, but constantly speak of the Bishop and his rights: and the comparison noted in the Decisions of the Sacred Rota and by more recent authors between the Cathedral Church, which has an established intention regarding the subjection of other churches, and, on the other hand, a lower church which has a similar established intention regarding parochial rights, is more concretely explained by these aforementioned ancient authors, who say: "The Bishop can request, in general, 'episcopal rights,' and the priest can request 'parochial rights,' without any mention being made of the 'Cathedral Church.'" Innocent states: "(and similarly) this 'addition is admitted where there are many rights of the same kind or custom, as is the case when the Bishop requests certain episcopal rights, and then adds a general clause, namely, 'regarding all other things pertaining to episcopal law, or even similar things, i.e., those which, by law or agreement or custom, are established in the province, if it is an Archbishop, or in the diocese, if it is a Bishop,' so that they are of episcopal law, and in the same way, the priest can request parochial rights." Hostiensis, in *cap. Dilectus*: "This opposition takes place only when those rights, which, by common law, pertain to the person of that order, to which he belongs, i.e., the one who possesses them, I think the Bishop possesses 'episcopal rights' in his diocese, and the priest possesses 'parochial rights' in his parish." John of Andrea, *cap. Dilectus*: "This addition is admitted when many and diverse things are requested."

[*Latin ed. p. 457*]

457 The Roman Rota. "These [rights] are of the same nature and condition, so that when a Bishop requests 'episcopal rights,' specifying 'general rights,' and then 'all or other specific rights,' and subsequently similar rights, as is stated here, or rights pertaining to the 'episcopal right,' that is, those which are due to him by law or agreement, or even by a general custom of the province, if an Archbishop is acting, or a diocese if a Bishop is acting, and in the same way a priest can request 'parochial rights.' The ancient Abbot, in the same chapter, *Dilectus*, says confidently: 'Therefore, Innocent [III] states that these things, which are expressed, pertain to the Bishop by common law, and are considered within the 'episcopal rights,' as mentioned above concerning the office of ordination.' It can be said concerning tithes that a lesser church is subject to the mother church. Anthony of Butrio, in chapter *Dilectus*, says: 'The authors say that here it is not proven concerning 'episcopal rights,' because the rights were 'parochial rights,' and they were claimed as 'parochial rights,' although in fact and

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in reality they were 'episcopal rights.' The author from Palermo, in the same chapter *Dilectus*, states: 'To the extent that the Glossa cites this right, in the text, it brings forward chapter *Constitutus de religiosis domibus*, and it seems to intend that this citation be true, and thus concerning the common law of the church, the mother church, i.e., the rectory, or another 'parochial church,' establishes its intention concerning the subjection of the church within the parish. But the Doctors generally refute this gloss. For chapter *Constitutus* speaks of the Bishop, and not of a lower church. Therefore, Innocent says that he does not know where this right is cited in the text, indeed, he sees the contrary expressed in chapter *finis de archidiaconis*.' Peter of Ancharano, in chapter *Dilectus*, says: 'When an 'episcopal right,' a 'parochial right,' or an 'archidiaconal right' is requested, because these have limited and specified boundaries by law, a general request is admitted because, under the word 'similar,' all other things are included which are expressed by law, and this is true when the Bishop requests these things, or the rector of a parish requests 'parochial rights'... But if he who has a well-founded intention concerning 'common law' were to request such things, then all things must be specified, because he does not have 'common law' for himself.' Therefore, the principle is that the Cathedral Church has a well-founded intention in the law concerning the subjection of other churches, as the words cited above from Barbosa's diocese of churches state: 'A church, simply by being established in a certain diocese, ought to be subject to the Bishop of that diocese, unless it is proven to be exempt.' The Prefect of the Chapter, in this case, to the extent that he is a priest of the Cathedral Church,

[*Latin ed. p. 458*]

Acts of the Apostolic See. - Official Commentary.

The cathedral priest, although not having delegated episcopal jurisdiction, nor acting in the present case in the name of the Bishop, whose decree was, in fact, contrary to him, but acting in his own name, insofar as he exercises actual pastoral care in the cathedral parish. For it must be clearly distinguished between the cathedral parish and the cathedral church, since the latter is the parish of the entire diocese. As Frances states, chapter 21, paragraphs 66 and 67: "Let no room be given to ambiguities; let it be briefly stated that the parish priest of the cathedral church and the cathedral parish are distinct from the cathedral church itself, which is the parish of the entire diocese, so that the parish priest has no jurisdiction over those who are not under his care, but is limited to his own, and therefore cannot administer the Sacraments or exercise pastoral care in another parish; as is reported by Barbosa, on the office and powers of the parish priest, chapter 19, paragraph 34, from the Sacred Congregation of Councils in Eugubina, September 20, 1628."

Nor do the responses of the Sacred Congregation of Councils in No-

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vara, Rome, and Breda, cited in the preceding passage, or other similar pronouncements of the same Sacred Congregation, which declare that the cathedral church has the right to administer the Sacraments to outsiders, and to bury and inter them, contribute to proving the privileged legal status of the cathedral church, since such a right is not granted to the cathedral church by reason of its own prerogatives, or by reason of its very cathedral status; for the same right is attributed to other principal churches with respect to inferior churches in the towns of the diocese, as is noted in relation to the right to bury and inter in the response of the Sacred Congregation of Councils in Rome and Breda, August 27, 1904, to which reference is made in the aforementioned passage: "It pertains to the parish priest of the cathedral church or to the principal church of the place, subject to particular customs and conventions."

And with respect to the administration of the Sacraments, it is clear from the decree *Rotali coram Ansaldo, Bisiniani*, a fragment of which is cited in the preceding passage: "It wonderfully demonstrates (namely, the parish status of the church) that even foreigners, or those passing through, or coming to live in the aforementioned place or town of Lictor, receive the Sacraments from the archpriest of the same Church of Saint Mary; for this not only demonstrates the parish status with respect to other churches, as Pignatelli states, canon 109, etc., but also provides a similarity to what is practiced in cities, where foreigners who do not have a fixed cathedral parish, but are guests, receive the Sacraments from the same cathedral church, as if from a common mother, according to Gloss in c. de sepult."

As this preeminence over the inferior parish church in performing parochial functions does not imply a presumption of jurisdiction.

[*Latin ed. p. 459*]

The Roman Rota [of Judges] has ruled in favor of the principal church within a town of a diocese with respect to the celebration of sacerdotal functions in a simple church, and likewise in favor of the cathedral church with respect to the same functions within the episcopal city. In the aforementioned rulings, the Sacred Congregation [of the Holy Office] noted that the matter concerned parochial rights, which, considered in themselves, equally belonged to all parish priests involved in a dispute. And when doubts arose concerning the exercise of these rights, whether regarding the parochial territory or the domicile of the faithful, a rule for resolving the matter was appropriately derived from the greater or lesser dignity of the churches. However, in the present case, the question concerns the celebration of sacerdotal functions in a simple church, which, by law, is assigned only to the rector of that church. It cannot be presumed in favor of the cathedral church with respect to these functions, because the cathedral is the mother and head of all the churches of the diocese; for the "matricity" of the cathedral church is not that strict sense which implies the dependence

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of an inferior church, whether total, as in a merely auxiliary church, or even partial, as is often the case in a parish church derived from a matrix parish by division (cf. De Luca, *Summa Praeeminent*, n. 14, 15, 16). Indeed, the Prelate, the plaintiff in this case, claims that the simple church is dependent on the Cathedral Church by reason of suffrage; but such a claim must be proven by him from the records and allegations (and it cannot be said to be proven, as we shall see below), and therefore he cannot, at the outset of the litigation, reject the burden of proof on the opposing party. The Cathedral Church, insofar as it is, so to speak, a parish of the entire episcopate, with the Bishop as the general parish priest, who includes all the churches of the diocese within his jurisdiction, is to some extent excepted from the decree of Urbis et Orbis of the year 1703, insofar as the Bishop is permitted to regulate the sacred functions that are not parochial, which are assigned to the rectors of non-parochial churches. For, as the same decree aptly notes, citing the Institution of Benedict XIV concerning the aforementioned decree 105, chapter V, n. 94: "From what has been said, it is easily understood that the Sacred Congregation, when settling disputes between parish priests and sodalities, did not intend to infringe upon the jurisdiction of the Bishops, or to prevent them from ever departing from these decrees, even if a legitimate reason intervened, and the utility of the diocese seemed to require otherwise." But a similar exception does not apply to the parish priest of the Cathedral Church with his limited parish, since the very end of that decree would be thwarted, which, as declared in the same decree, was issued "to impose a limit on controversies that have arisen between parish priests and confraternities for centuries."

[*Latin ed. p. 460*]

Acta Apostolicae Sedis. - Official Commentary. 460 "Disputes concerning matters, and concerning their chaplains and officials, regarding parochial rights and ecclesiastical functions, and certain privileges or exemptions, frequently arise." However, since the principle invoked, concerning the founded intention of the Church, applies not only to cathedrals regarding the subordination of churches within their boundaries, namely, parochial churches erected within the limits of the cathedral, but also to all diocesan churches, if the pastor of the cathedral church were not subject to the decree as are other pastors, a very wide field would be left open for the controversies which the decree was intended to resolve. And, moreover, it does not appear that such an exception in favor of the cathedral pastor has been put into practice anywhere, which is a matter of the greatest importance. Furthermore, the very sentence cited states: "Neither to the pastor nor to the pastor of a cathedral church can societies or simple rectors be forbidden from performing non-parochial functions according to the norms of the cited Decree Urbis et Orbis, and only to the Bishop is the power granted to regulate their use." Therefore, it

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must be concluded that the pastor of the cathedral church does not enjoy any special privilege in the present case, and that, if he claims rights over a church located within the boundaries of the cathedral parish, he will obtain them only to the extent that he can prove that a certain legitimate title confers such rights upon him. Two questions remain to be resolved, which relate more to fact than to law: 1. Has the Prelate proven that the church in question is dependent on the cathedral church? 2. To the extent that the answer to the first question is negative, has he proven that in the city of Segusina there is a custom by virtue of which it is not permitted for rectors of non-parochial churches to celebrate Masses outside their own church without the permission of the pastor? Regarding the first question, if it is proven by the Prelate, who had summoned the priest Viglione to justice, that the church in question is in all respects dependent on the cathedral church, the main question concerning the celebration of Masses outside the church would be resolved in favor of the Prelate, who would have no need to invoke a custom that derogates from common law, since common law itself confers upon the pastor not only the right to dispose of Masses celebrated outside the church, but also the right to regulate all sacred celebrations in the auxiliary church, which is entirely dependent on the parochial church, and which constitutes one formal church. It cannot be doubted that the Prelate, as pastor of the cathedral church, has the right to celebrate funerals with the body present in the church in question. The partial purpose of the erection of the church is precisely this, as is evident from the document in which the faithful were invited to contribute funds for the new church.

[*Latin ed. p. 461*]

461 The Roman Rota. Concerning the construction of a church: "His Eminence, Monsignor Rosaz, is erecting a most beautiful church, which, while serving for the funeral rites of this city, will also be a sanctuary dedicated to the Madonna del Suffragio." This obligation was imposed by the deceased Bishop, and it is accepted by the priest Viglione. There is no dispute between the parties regarding this obligation. Having set aside this obligation, which in no way prevents the aforementioned church from being declared and considered free and independent – for the same obligation was imposed upon the church of Saint Charles, and for that reason it did not lose its freedom – there are absolutely no signs of dependence from which it can be deduced that the Church of the Suffragio is merely a coadjutory church to the Cathedral. There are no foundation documents from which the legal status of the church can be precisely determined. However, it is quite clear from the manner in which it has been administered from its origin to the present day. To use the words of Cardinal De Luca in a similar case: "Since this is rather a question of fact and intention, namely, what the Ordinary had in mind when he proceeded with this new establish-

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ment, therefore custom and practice, provided they are clear and peaceful, should be carefully considered, although they were not of considerable duration, not as prescriptive, but as interpretative, according to the distinction frequently made in all matters" (De Decimis, disc. 12, n. 1). Firstly, it was not erected from the revenues of the Cathedral church, and therefore there is no presumption of dependence that could be derived from this source. Molines states, in Decis. 990, July 3, 1705, vol. 4, n. 3 and 4: "It was soon demonstrated that the aforementioned oratory or chapel of Saint Mary was erected from the offerings of the Christian faithful, without any subordination whatsoever; then the administration and the revenues were transferred to it, all of which exclude subordination, and it is not sufficient for a church to have been erected within the limits of another church to establish subordination, but it is also necessary that it be endowed with the revenues and assets of that church, as Valenzuel states, cons. 45, n. 50, lib. I. - Rota, Decis. 192, n. 7, part. 18, vol. 2. Recently, and in the jurisdiction of Firmana, concerning the manner of visitation, March 20, 1702. Nor, before me." Cf. Schmalzg. de cap. Monach, n. 16. The current Bishop states: "It is well known throughout Susa that the usual functions celebrated in the Church of the Madonna del Suffragio, such as the Holy Rosary and the Novena, are held there. All other non-parochial functions were always celebrated by the Reverend Father Pietro Viglione, Rector of the aforementioned church, as they are celebrated now, either by order and determination of the aforementioned founder, Father Edoardo Rosaz, or by the Bishop.

[*Latin ed. p. 462*]

462 Acta Apostolicae Sedis. - Official Commentary. "Currently, or by a free and public commission of faithful citizens, knowingly "Canonically Prefect and never contradicting, either to alleviate "or to assist the same Canonically Prefect, who, moreover, does not "at all need it." From the decree of the same Bishop, we know that the burden of providing expenses for the celebration of the sacraments, as well as for maintaining all vestments and furnishings, rests upon the Priest Viglione. All these things, which, if we set aside for a moment the matter of votive Masses, are called into question by the Prefect of the Cathedral Church, cannot consist with the condition of a church merely coadjutor. Therefore, I did not hesitate for the same Bishop to assert: "The only "burden that weighs upon the Church of Our Lady of Succor in favor of the Cathedral parish church is the service of removing the dead, just as it weighed upon the Church of St. Charles, neither more nor less." And in a rescript given to R. P. Peter Viglione, rector of the Church of Succor: "We intend that the Orator be Rector with all the faculties "inherent in his title. Furthermore, we believe that this our intention "is nothing more than the continuation of the intention of our immediate "predecessor, the Most Reverend Edoardo Rosaz." How much

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weight such declarations have will be evident from the words of Ansaldi in the often-cited case of Bisinianen. - Praeminentiarum, Decisions 483, n. 8: "The Ordinary is considered, as a matter of right, to be best informed "about the condition of the individual churches within his jurisdiction." The fact that the Priest Viglione, for approximately five years, either during the lifetime of Bishop Rosaz, did not sing votive Masses, nor did he request permission to do so, does not prove that his church is dependent on the Cathedral, even if the Bishop had ordered it, since another reason for this omission, or even the Bishop's order, may be present: and from ambiguous acts, a fortiori from an ambiguous omission, the subordination of the church is not proven. As Molines says, Decisions 990, n. 8: "When "the said act is ambiguous, it in no way proves subordination, as "generally responded the Rota in Fermo Jurisdiction, March 20, 1702: "Provisions before me." It is known that the same Bishop, as he declared in his decree of 1885, considered the customary law to be in force in Segusii, according to which, in non-parochial churches, the singing of such Masses was prohibited without the permission of the parish priest. The assertion of the Reverend Prefect of the Patronage, that the Church of Succor was substituted for the Church of Gracias, which was entirely dependent on the Cathedral Church, is not only not proven, but rests on no foundation whatsoever, since the aforementioned Church of Gracias, although it no longer serves for the celebration of funerals, still continues to exist as before, with its dependence on the Cathedral Church, and therefore there is no place for substitution.

[*Latin ed. p. 463*]

463 The Roman Rota. Having recognized the independence of a church from a suffragan see, the rule of law applies to its rector, based on the intention established in common law, as declared by the Decree of Urbis et Orbis in the year 1703, regarding the singing of votive Masses, whether for the living or the dead, unless a contrary custom prohibits it. As Scarfantonius states, part 3, addition 22, numbers 8 and 9: "And these indeed proceed openly, so that this precedence in performing such sacred functions in one's own church, and in singing solemn Masses, applies not only to the parish priest in his church above all others, but also to a simple rector of a church, or a public oratory, above the parish priest, within whose jurisdiction the church or oratory is located, as the Roman Rota has declared, and notably in the case of Roman Oratories, etc." This is also confirmed by various responses of the Sacred Congregation of Councils, as in Rieti, on June 13, 1844; in Avezzano, on January 25, 1858; and in Galtellino, on March 29, 1862. However, if the Prelate proves that an immemorial custom exists in Susa, which he himself invokes, according to which it is not permitted for rectors of non-parochial churches to sing such Masses, there is no doubt that the new church, being a suffragan, should also be bound by the

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same custom. For, as Panormitanus states, in chapter "Dilectus" of chapter "Monach," concerning the words "generaliter servetur consuetudo": "A general custom of a place extends to a particular church, having that quality which is regularly found in other churches of the same place." And Peter of Ancharano, in the same chapter, number 8: "One church should not deviate from the general custom of others, as noted subtly by Innocent, in his work 'De officio Archidiaconi'." Therefore, it is of little consequence, as far as the present action is concerned, whether the priest Viglione sang votive Masses in his church or not, since the church in question has existed for only a few years prior to the commencement of this lawsuit. A supplementary investigation regarding such a custom was held in Susa, in which questions were put to witnesses, thoroughly examined by both sides, and the evidence was limited to the existence of the custom in the city of Susa. It was not deemed necessary to investigate what is done regarding the singing of votive Masses in other parts of this diocese: since the city of Susa itself can enjoy its own customs, and otherwise, no other evidence remains that would require investigation into the circumstances of the place. From the series of testimonies and from the written defense, it is clear that the Patron of the priest Viglione has assumed a custom contrary to that which the Prelate affirms is observed in Susa. This was entirely unnecessary, since it was sufficient, once the church was recognized as a suffragan.

[*Latin ed. p. 464*]

Acta Apostolicae Sedis. - Official Commentary. 464. The independence, and the insufficient proofs of contrary custom presented by the Provisor, demonstrate that, as indicated by the aforementioned decree already issued, it is not permitted even to the parish priest of the Cathedral Church to prevent simple vicars from performing sacred, non-parochial functions, according to the norms of the cited decree of the City and the World. Although the Provisor has performed a superfluous act, and has fulfilled his assigned duty abundantly, the Reverend Auditors acknowledge that the arguments presented by him fully constitute proof of the custom of singing additional Masses in non-parochial churches in the city of Susa; thus, if a contrary custom were to exist at any time, it would be said to have lapsed, and to have returned to common law. It was also deemed necessary to state that, with regard to the custom in question, the Reverend Father Viglione is in a better position than his opponent. For, when the right of the Provisor is doubtful, and therefore the question of the right in question cannot be raised, and consequently, neither can the question of prescription properly called, in which the Sacred Roman Rota has constantly affirmed the rule of peaceful possession for forty years, but rather, in the case of the Reverend Father Viglione, the question is of mere custom according to law, by which a return to common law is made, which is considered favorable and benign, as De Luca, De Iurisdict, citing Ancharanus, consil.

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13, states, that, according to grave authorities, a possession of forty years was no longer required, but a period of ten years would suffice. Reinffenstuel writes, lib. 1, tit. 4, n. 196: "When speaking of a custom contrary to law, in order to abolish it, as it leads us back to common law, a lapse of time is not necessary, which is otherwise required for establishing a custom. Therefore, when a subsequent custom contradicts another custom, and leads us back to the terms of ecclesiastical common law, a period of ten years is sufficient to abolish the prior contrary custom, as the Abbot states, cap. ult. n. 19, ibid.; Felinus, cap. Cum accessissent, n. 30 de Constitut.; Mascardus, conci. 172, n. 15, citing others, and Suarez, lib. 7 de Legib., cap. 20, n. 21. However, he admits this only in the case where the prior custom was particular, or of some place, and not universal, of the whole Church." But these are rather theoretical statements, since in the present judicial action it is necessary to maintain the legal position of the parties, and to leave to the Provisor, to whom the burden of proof belongs, the task of proving the existence of an immemorial custom in his favor. "The principal and essential requirement for an immemorial custom, as De Luca states with the authorities, de iurisd., lib. 3, p. 2, n. 16, is that... "

[*Latin ed. p. 465*]

465. Roman Congregation. "Witnesses, after the age of puberty, must testify regarding the forty-year period of peaceful possession, deducting the time of litigation, without anything to the contrary having been done, said, or heard, according to the celebrated Gloss, in chapter 1 on prescription, in the sixth section, which is recited daily in the forum." The Advocate presents the text from the Synod held in 1725 by Abbot St. Just, who at that time governed the Church of the territory of Segusini; in which it was forbidden to celebrate Masses with singing in the filial churches and chapels, without the consent of the parish priest. The presumption of an existing custom is certain, because "a constitution is a presumption of observance, unless the contrary is shown by law." This is stated in *Rota* in *Seraph.*, Decision 153, n. 2, and in *Gelso*, Decisions 15, n. 6, and 248, n. 17; *Rocca*, *Disputationes Iuris*, chapter 39, n. 16; and Pitonius, *Disputationes Ecclesiasticas*, 93, n. 21. However, the value of this presumption is greatly diminished by the fact that the first Synod of the Diocese of Segusini, held after an interval of one hundred years, namely in 1828, is entirely silent regarding such a prohibition; especially if it is considered that, as noted in the report of this case before the Sacred Congregation of the Council, the decrees of this Synod were almost verbatim transcribed by the Synod of Torino, under Cardinal Costa, where the prohibition of Masses, concerning which we are speaking, is expressly contained. The Bishop of Rosaz also cited a decree dated July 13, 1885, in which, based on the testimony of extrajudicial witnesses, he declared the custom to be in force, and consequently forbade the rectors of non-parochial churches to celebrate such Masses

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without the consent of the parish priest. However, as Pitonius notes, *Disputationes*, 93, n. 4: "A custom is not proven by extrajudicial witnesses and unreliable testimonies, since witnesses who have been formally examined are required, who testify with strict requirements. Gloss, in chapter 1, on the word 'Memory' concerning prescription, in the sixth section, as in this case, the *Rota* stated in the *Pisana* case. - *Devolutio*, January 24, 1701." Upon an appeal against the decree of the Ordinary, the Sacred Congregation of the Council responded: "The proofs regarding prescription must be extended and strengthened." The Advocate, Peynetti, who wished to prove the prescription, abandoned the case. If, as De Luca states in *De Parochis*, discussion 27, n. 6: "Abandonment does not interrupt prescription, but rather confirms the good faith of the possessor, as stated in Decision 172 of Gregory and in Additional Decision 467 of Sarsinaten. - *Feudi*, December 20, 1638, Coccin.," then certainly a presumption is created against him who, in such a case, after the abandonment by the other party, attempted to prove the prescription. If the proof of the custom alleged was not fully established by the Sacred Congregation of the Council and by the judges of the first instance, then, much more so now, after witnesses have been examined judicially by both parties, it must be concluded that the custom has not been proven.

[*Latin ed. p. 466*]

Acta Apostolicae Sedis. - Commentarium Officiale. 466. Praepositus quinque testes produxit, omnes de Capitulo Segusino: testimonia aliorum duorum, quae in Summario typis edito inveniuntur, nullo pretio habenda esse decrevit Rotalis Iudex Instructor. Ex his quinque, Canonicus Gallessi testatur: "Audivi a voce publica, quod in tali modo missae cantabantur, 'tanto plus quam cum fuerat litis'." Canonicus Suspize: "Sciens sum, quod in Ecclesia S. Caroli missae in tali modo cantabantur, 'sed nescio, si haec consuetudo esset: quanto plus, de Ponte, 'nescio'." Canonicus Verquera: "Si ego aliquas raras missas cantavi, ita feci, credens hoc esse abusionem, 'tanto in una, quanto in altera Ecclesia'." Canonicus Marzolini: "Non possum affirmare, neque negare, si haec consuetudo esset, vel non esset, 'nec in una, nec in altera Ecclesia'." Canonicus Calabresi, cuius testimonium prae omnibus favet Praeposito, dicit: "Arbitror, quod haec consuetudo non sit, 'nisi pro ascriptis ad respectivas Confraternitates'." Ipse Praepositus iudici interroganti respondit: "Sapebat, si in his duabus Ecclesiis missae in tali modo cantabantur, 'sed si hae erant adventitiae, vel de legato, mihi difficile est hoc stabilire'." Hinc testis unus absolute negat existentiam consuetudinis canendi missas adventitias, inconsulto parocho; quidam alii negative se habent, alii denique factum celebrationis missarum, de quibus in themate, admittunt, et propterea adminiculum probationis adversario praebent. Canonicus Verquera addit in sua declaratione, se audivisse a Praeposito Peynetti, introductum fuisse cantum abusivum missarum

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sub Antecessore suo, Praeposito Emiliano Brayda, a Sacerdote Iosepho Viglione. Testis est ex auditu, et quidem a fonte suspecto: nam Praepositus Peynetti est ille, qui coram Sacra Congregatione Concilii conventus ut praescriptionem responso ut probationes contra legem coadiuvarentur communem probaret, quoad accepto praescriptionem, litem deseruit. Persuasionem propriam deinde exprimit idem Canonicus, praefatum missarum cantum fuisse abusivum, iudicium de factis, potius quam testimonium dictus de eisdem sacerdos proferens; simulque attestatur Iosephus Viglione, huiusmodi missas factum quod cantaverat, nonobstante amicabili Episcopi protestatione, sicut ante, ita et post decretum anni 1885, quoad usque vixit.

[*Latin ed. p. 467*]

The Roman Rota. 467 The same witness raises objections against witnesses presented by the opposing side, mentioning only two of them, but the objections are not proven, and even if they were proven, they are too vague and inappropriate to undermine the testimony of those witnesses. In the small town of Susa, which contains barely four thousand inhabitants, secular individuals, even if they neglect their religious duties, could easily know about the celebration of additional Masses through information received from friends or relatives, who may have entrusted the celebration of such Masses to the pastors. They would not ordinarily know whether such Masses were celebrated with the permission of the pastor, but not even one witness testified that such permission had ever been requested or granted, while several priests testified that the permission of the pastor had never been requested. The Reverend Father from the Suffrage presented seventeen witnesses, including nine priests, who testified from their own knowledge that such Masses had always been sung in the churches of San Carlos and the Confraternity of the Holy Spirit, commonly known as "Del Ponte," even for those, as some witnesses affirm, who were not members of those confraternities. From the testimony of many, it is established that such Masses were always celebrated without the permission of the pastor, both before and after the decree. The Reverend Canon Ronchail, who has been an Ordinary for 93 years, testified in 1885 that such Masses had always been sung by the pastors of the churches of San Carlos and another "Del Ponte," at the request of the faithful, even those who were not members of the confraternities; he stated that he had learned this from his elders and had seen it with his own eyes; he also recounted that he had often served as a Deacon or Subdeacon at those Masses; indeed, he himself sang, and followed the example of the pastor of San Carlos, for whom he served for about ten months, never requesting the permission of the pastor. The Reverend Canon F. Giorda, aged 55, testified the same. Mr. Joseph Ugetti, aged 56, who has lived in Susa since his birth, also testified about the fact of the singing of Masses. Other witnesses corroborate this, and they all testified

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that they had never heard of any opposition from the pastor, except during the time of the Episcopal decree of 1885, when an appeal was made to the Holy See, and the pastor, Peynetti, abandoned the case. However, given the very fact of the singing of Masses, especially considering the public nature and constant celebration of these Masses, the small number of inhabitants in the town, and the ineffectiveness of the decree of 1885, the pastor could not have been unaware of the matter. Finally, documents were presented from the archives of the aforementioned churches, which show that numerous such Masses were recorded in the books of the confraternities. From the records of those confraternities, there are numerous judgments concerning the singing of these same Masses. If the testimonies of the pastors differ from those of the witnesses presented to the contrary,

[*Latin ed. p. 468*]

Acts of the Apostolic See. - Official Commentary. 4

(58. All other things being equal, the testimony of the majority should be given weight: not only because they are more numerous, or because they have made more definite and specific depositions, but most importantly because they testify to what is more likely to be true, when they say that something was preserved which, according to the law, ought to have been preserved. As Molines notes, *Decis. 991, vol. 4*, "those who testify according to the disposition of the law are to be given preference," as the Rota has said many times in *Decis. 1135, no. 4, before Seraphin and Coccin; Decis. 2089, nos. 20 and 21, and Decis. 48, no. 13, before Bich.; and Decis. 282, no. 12, part 16, Recent, and in Marsicen. - *Decimarum, June 30, 1696, before Muto*."

Therefore, it is undoubtedly to be said that the custom which derogates from the law, namely, that it is not permissible for rectors of non-parochial churches to sing Mass in the city of Segusina, does not hold.

Having considered all of the above: invoking the name of Christ, We, the undersigned Auditors, sitting for the tribunal, and with only God before our eyes, decree, declare, and definitively sentence that, by law, the priest Viglione, rector of the church of Suffragio, is permitted to sing Mass without the permission of the Prefect; and in response to the doubt raised concerning funeral Masses, We declare that the aforementioned sentence of the Rota in this case is to be annulled; therefore, We decree and declare: We annul, and furthermore, We establish that the judicial expenses incurred in the previous appeal and in the present instance before the Sacred Roman Rota are to be compensated between the parties; and We decree that all expenses incurred in the first instance before the court in Segusina are to be paid by the Prefect Anthony Tonda, as was established by the sentence of that same court, which is now confirmed by the Holy Office.

Thus We pronounce, ordering the Ordinaries of the place and the officials of the tribunals to whom this pertains, to enforce this Our definitive

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sentence, and to proceed against those who resist, according to the norms of the sacred canons, and especially chapter 3, session 25, concerning reform, using the executive and coercive means that are most effective and appropriate for the circumstances.

Rome, March 5, 1910.

John Prior, Prefect.

Aloysius Sincero.

Frederick Sac. Tancredes Tani, Notary.

Cattani.

[*Latin ed. p. 469*]

Year II. - Vol. II. July 1, 1910. No. 12.

ACTA APOSOLICAE SEDIS: OFFICIAL COMMENTARY

ACTS OF POPE PIUS X

BY PAPAL ACT, CONCERNING THE OATH TO BE TAKEN BY THOSE WHO ARE TO BE APPOINTED DOCTORS IN SACRED SCRIPTURE.

With the purest intention of safeguarding the doctrine of our Holy Religion, We have, in recent years, diligently striven to provide for and establish various measures, by which, following the blessed example of Our Predecessor, We have both confirmed the due observance of the responses of the Sacred Council of Biblical Studies, and, in this our age, which is particularly burdened with grave matters, We have founded an Institute for the cultivation of such studies. Since it is Our will not only to instruct students striving for the ministry, with suitable disciplinary measures, so that they may perfectly acquire knowledge of Sacred Scripture and suitably develop related doctrines for the defense of the Scriptures, but also so that, having attained the ministry, they may faithfully transmit the knowledge acquired, and instill in the minds of their disciples knowledge without any suspicion of deviation, therefore, We have also deemed it necessary to prescribe a formula of oath, which candidates for the doctorate, before being conferred with the title of Doctor in Sacred Scripture, shall recite and solemnly declare. Therefore, for the sake of the Holy Doctrine, for the sake of the students and teachers, and finally, for the more secure good of the Church itself, by Our own initiative and with certain knowledge and mature deliberation, and by the fullness of Our Apostolic authority, We decree, We will, We command, that those who are to be appointed Doctors in Sacred Scripture shall pronounce the following formula of oath: "I, N. N., with all due reverence, submit myself and, with a sincere heart, adhere to all decisions, declarations, and prescriptions of the Apostolic See or of

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the Roman Pontiffs concerning Sacred Scriptures..."

[*Latin ed. p. 470*]

470 Acta Apostolicae Sedis. - Official Commentary. "Regarding the more proper explanation of these matters, especially concerning the Encyclical Letter *Providentissime Deus* of Leo XIII, dated November 18, 1893, and also the Motu Proprio *Praestantior Scripturae Sacrae* of Pius X, dated November 18, 1907, and his Apostolic Letter *Vineae electae*, dated May 7, 1909, in which it is stated: 'all members of the Pontifical Biblical Commission are bound by duty to adhere to the teachings pertaining to Holy Scripture, whether those teachings have already been issued or will be issued in the future, just as they are bound to adhere to the decrees of the Holy Congregations approved by the Pontiff; and they cannot, under any pretext, be excused from obedience, nor can they be considered to have been absolved from their grave fault for having impugned these teachings.' Therefore, I promise that I will observe, faithfully, completely, and sincerely, both in word and in deed, the decrees issued by the Apostolic See and, as far as possible, the teachings of the Biblical Commission, considering them as 'the supreme norm and rule of study,' and that I will never allow them to be impugned. Thus I promise, thus I swear, may God help me, and may these holy Gospels of God be my guide." Furthermore, by this Our document, issued by Motu Proprio, We declare that what is established herein is valid, firm, and irrevocable, notwithstanding anything to the contrary. Given at Rome, near St. Peter's, on this 29th day of June, 1909, in the seventh year of Our Pontificate. PIUS PP. X.

APOSTOLIC LETTER I. CERTAIN OLD INDULGENCES ARE HEREBY CONFIRMED FOR THE PIOUS CATHOLIC WOMEN'S UNION OF FULDA, KNOWN AS *MISSIONES*, AND NEW ONES ARE ADDED, WITH THE FACULTY OF ADDING MORE, TO BE APPLIED WHEREVER THESE ASSOCIATIONS ARE ESTABLISHED, PERMANENTLY.

PIUS PP. X.

For the perpetual and lasting memory of this aid. — The pious cohorts of the faithful, established as societies under the laws, which, following in the footsteps of Our Predecessors, the Roman Pontiffs, have as their purpose the assistance of the clergy in the fulfillment of the sacred ministry.

[*Latin ed. p. 471*]

We are accustomed to honoring and bestowing spiritual graces upon Pope Pius X, so that, with God's help, he may receive ever greater increases for the good of the Church and the salvation of the faithful. Among these are societies that, having undertaken faithful labors in the Lord's field, deserve special consideration. Undoubtedly, the Catholic Women's Union

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for Missions, founded in Fulda by the pious woman Catherine Schynse, holds a prominent place among them, with the aim of providing substantial assistance to missionaries, especially German missionaries, working in regions where the divine Word is preached to the unbelievers, and also to Catholics dispersed among non-Catholics in their own homeland, to the best of their ability. This association, which has been highly commended to this Holy See by several esteemed Archbishops of Germany, was further enriched by our predecessor, Pope Leo XIII, who, recalling that he had already granted it a plenary indulgence at the hour of death to its members on May 9, 1902, again, through apostolic letters dated on the first of the month in the year 1903, sealed with the Fisherman's ring, and then through a decree of the Sacred Congregation of Indulgences dated on the tenth of the same month and year, added other special indulgences and spiritual graces. Now, it has come to pass, as we had hoped, that several associations of the same name and institution have been established in Austria, Switzerland, and Romania, whose members, motivated by a desire to promote the Catholic faith and, guided by charity for their homeland, intend to assist missionaries, especially those of their own nation, in their apostolic endeavors. Furthermore, the beloved daughter in Christ, Catherine Schynse, the founder of the Fulda association, has addressed humble prayers to Us, asking that we permit the Fulda association, by our authority, to incorporate other societies of this kind, whether already established or to be established in the future, throughout the world, and that we deign to add new indulgences to those already granted, from the treasure of the Church, especially for priests who are incorporated into this association. We have considered it our duty, as far as is pleasing to God, to grant these requests. Therefore, that this pious association, which has already earned so much merit, may be further honored by Us, and that its members, both secular and regular clergy, who are valuable assistants in the sacred missions, may also enjoy greater spiritual graces, We, by Our apostolic authority, confirm all and each of the indulgences and privileges already granted to this association, as specified below, and We freely add others that have been humbly requested. For, confident in the mercy of Almighty God and in the authority of the blessed Apostles Peter and Paul, We grant to all women, both those already enrolled and those who will be enrolled in the future, the following:

[*Latin ed. p. 472*]

472 Acta Apostolicae Sedis. - Official Commentary. Concerning those who are duly enrolled in the society called "Missiones" in Fulda, at the hour of their death, if they are truly penitent and have confessed, and have received Holy Communion, or, if they are unable to do so, if they have invoked the name of Jesus with their mouth, if they can, or, if not, with a devout heart, and if they have accepted death as the penalty for sin with a

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submissive spirit, a plenary indulgence is granted; and likewise, for women who are admitted to this association, who, having received the sacrament of confession, are nourished with the Bread of Angels, and who, on the feasts of the Nativity, Epiphany, and the Resurrection of the Lord, on Pentecost, on the feast of the Most Holy Body of Christ, on the Saturday within the octave of the solemnity, and also on the feasts of the Immaculate Conception and the Assumption of the Virgin Mary, the Conversion of Saint Paul, of All the Apostles, of Saint Pius Pope, of Saint Boniface, Apostle of Germany, of Saint Francis Xavier, and of Saint Theresa, the patron saint of this association, having devoutly visited any church or public oratory from the first vespers until sunset on any of these days, and there have offered pious prayers to God for the concord of Christian princes, for the eradication of heresies, for the conversion of sinners, and for the exaltation of the Holy Mother Church, a plenary indulgence is granted; finally, to the same members of this pious association, both now and in the future, who, during any month of the year, for one full hour, or twice for half an hour, have adored the Most Holy Sacrament in any church or public chapel, and who, on one day of that month, chosen at their own discretion, are also truly penitent and have confessed, and have received Holy Communion, as mentioned above; and who also pray for the sacred missions in any church or public oratory, for which they have done so on one day of each month, we grant, with our mercy, a plenary indulgence for all their sins and a complete remission. Furthermore, to the same women who are now and in the future admitted to this pious association, on the day that they visit the Most Holy Sacrament, according to the mind of the Roman Pontiff, and offer prayers for the conversion of the infidels, three hundred days of indulgence are granted; to the zealous members of this association, whenever they strive to spread this pious association for the glory of God and the salvation of souls, three hundred days are likewise remitted, in the usual form of the number of days of penance. Moreover, out of our Apostolic benevolence, we grant that all the indulgences mentioned above can also be obtained by religious women living in community, and by the poor who cannot contribute alms, provided that they are duly enrolled in this pious association, and that they fulfill the conditions prescribed for each indulgence, and furthermore, if it concerns plenary indulgences, by reciting the prayer to the Heart of Jesus in the Eucharist for the conversion of sinners.

[*Latin ed. p. 473*]

The Acts of Pope Pius X, page 473, state that the supplications of the infidels are adored. Furthermore, we grant to the aforementioned members that, if they so desire, all and each of those mentioned above may obtain the indulgences, except for the plenary indulgence to be gained at the hour of death, in order to expiate the faults and penalties of their lives. More-

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over, desiring to provide spiritual benefit to priests who have given, or will give, their names to this Association, We likewise grant, by these presents, with Our authority, that they may administer the Apostolic Benediction, together with the attached plenary indulgence, to the faithful who are sick, and who are in the condition of death, provided that they use the formula prescribed by Our predecessor, Pope Benedict XIV, of blessed memory. It is also granted to them to bless, outside the city, during Sacred Missions, publicly; and at other times, privately, after obtaining the prior license of the respective Ordinary, and observing the customary regulations, crosses, crucifixes, sacred medals, prayerful crowns, and small statues of Our Lord Jesus Christ, the Virgin Mary, and all the Saints, which are made of metal, and to apply to them the indulgences that are listed in the document published by the Sacred Congregation of Propaganda Fide on August 28, 1903, not excluding, with regard to prayerful crowns, the indulgences attributed to Saint Bridget. They also have the faculty, observing the customary prescriptions and laws, to bless crowns of the Most Holy Rosary of the Blessed Virgin, and to apply to them the indulgences commonly called by the Fathers of the Cross. Finally, We grant that whenever in any church the Holy Sacrifice is celebrated for the soul of any member of this Association who has passed away from this life, that Holy Sacrifice will, for that soul for whom it was celebrated, be of equal benefit as if it were celebrated at a privileged altar. Furthermore, to priests who promote or direct this pious Association, We grant, four times a week, the privilege of a personal altar, so that the Masses which, on four days of each week, are chosen by each one, and celebrated at any altar of any church or oratory by the aforementioned priests, will, observing the customary regulations, benefit the soul or souls for whom they are celebrated, as if they were duly celebrated at a privileged altar. Finally, turning Our attention to associations that are established, or will be established, under the same title as this one in Fulda, in other nations, in order to assist, for a fruitful and most opportune purpose, the Missionaries of the respective nations, especially in sacred expeditions, We grant, by Our Apostolic authority, through these letters, that the official representatives of the Fulda Association, both present and future, may lawfully incorporate into themselves these associations, both those already established and those to be established hereafter, everywhere throughout the world, observing the Apostolic Constitutions.

[*Latin ed. p. 474*]

Acts of the Apostolic See. - Official Commentary. 474 regulations, and especially that one issued by the blessed and revered Pope Clement VIII, Our Predecessor, and likewise, that indulgences granted by the entire Apostolic See to the aforementioned association in Fulda may lawfully be granted and be valid for the aforementioned sodalities of the same name, provided that they may be communicated with others. We grant all of these things

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perpetually, decreeing that these present letters shall exist and be, and shall have their full and complete effect, and that they shall fully suffice and be efficacious for those to whom they pertain, and may pertain, in all things and through all things, and that in the aforementioned matters, any judgment and definition must be made by ordinary and delegated judges, and that it shall be void and null if, by anyone, with any authority, knowingly or unknowingly, anything should happen to interfere with these things. Notwithstanding any contrary provisions. We wish that to these present letters, or even to printed copies thereof, if signed by the hand of a public notary and sealed with the seal of a person in ecclesiastical dignity, the same full faith be given as would be given to the present letters if they were exhibited or shown. Given in Rome, at St. Peter's, under the Fisherman's Ring, on the twenty-fourth day of March, 1910, in the seventh year of Our Pontificate. R. L. [Illegible signature] S. CARD. a MERRY DEL VAL, Secretary of State. II. A PLENARY INDULGENCE IS GRANTED TO THE MEMBERS OF THE ASSOCIATION FOR THE REPARATION OF THE SACERDOTAL STATE. PIUS PP. X. For the perpetual memory of this matter. — Our beloved son, Mary Edward Mott, priest of the Congregation of the Missions, and another from the General Moderator of the sacerdotal Association for the Reparation, which association is composed primarily of priests, but by way of exception, also includes other persons, provided that they have already made some vow to God, reported to Us among the members of this fruitful Association, that not a few are found who, in order to care for the reparation so necessary in these grave times for the Church of God, offer themselves to God, as it were, as sacrificial victims. This, We considered to be the highest duty of Christian piety, worthy of due praise; for in the exhortation which We issued for the Catholic clergy on August 4, 1908, We did not hesitate to declare that there are not a few souls of more generous virtue who, for the same cause of reparation, truly offer themselves as votive victims to God, without any interruption.

[*Latin ed. p. 475*]

The Acts of Pope Pius X, page 475, and this indeed is pleasing to Us. But that these voluntary sacrifices (which, as is customary in the aforementioned Association, are unknown to the other members, and are known only to God) may proceed with greater zeal on the difficult path they have undertaken, the aforementioned general sub-director, having humbly offered prayers, has requested that We deign to grant the members who undertake this work the protection of indulgences, through Our Apostolic benevolence. We, wishing to assent to these prayers, as far as in the Lord is possible, grant and bestow, with paternal charity, to the members of the aforementioned Association of Reparation, both now and in the future, wherever they may be on earth, who offer themselves to God, as mentioned above, as propitiatory sacrifices, if they are truly penitent and have con-

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fessed their sins, and have received Holy Communion, and renew their offering of themselves as sacrifices, that they may, once a month, devoutly kiss the five wounds of Our Lord Jesus Christ, a plenary indulgence and remission of all their sins, which may also be applied for the benefit of the souls of the faithful departed in Purgatory. This grant is valid perpetually. We decree that the same faith be given to these present letters, or to printed copies thereof, as if the original documents were exhibited or shown, provided that they are signed by the hand of a public notary and sealed with the seal of a person holding an ecclesiastical office. Given in Rome, at St. Peter's, under the Fisherman's Ring, on the twenty-eighth day of April, in the year 1910, in the seventh year of Our Pontificate. R. L. [followed by signature] S. CARD. MERRY DEL VAL, Secretary of State. III. A SUPREME MODERATOR IS APPOINTED FOR THE ASSOCIATION OF PRIESTLY REPARATION. PIUS PP. X. My beloved sons, greetings and Apostolic blessing. — We have recently, with particular benevolence, fostered the pious and charitable Association, which, consisting principally of priests, bears the name and purpose of Priestly Reparation, enriching it with heavenly treasures. We have indeed approved of the end it proposes, namely, to make amends to God for the injuries inflicted upon Him by those who ought to offer Him greater devotion, through works of religion and charity, in this time of such bitterness; and We have gratefully received the news that some of its members, by offering themselves as propitiatory sacrifices, are making reparation for the sins of others.

[*Latin ed. p. 476*]

Acta Apostolicae Sedis. - Official Commentary. 476: To offer [assistance]; and to devote all resources to the members, so that those who have fallen into fault due to the dignity of this life may be completely restored to the decorum of the ministry. Therefore, when you, beloved son, have earnestly requested us to deign to enrich this Association with new privileges, We, with a willing heart, have decided to grant your request. Therefore, by the tenor of the present document, with Our Apostolic authority, We make the Superior General of the Congregation of the Missions, who is currently in office, the permanent Supreme Moderator of the aforementioned Association of Priestly Reparation, and We grant to him all and singular rights and prerogatives that are proper to this office. Furthermore, We deem it fitting that any other Association, whether already established or to be established in the future throughout the world, whose members are devoted to the same purpose of Priestly Reparation, be affiliated with the aforementioned principal Association, so that the common and desired fruits may be more readily attained. Notwithstanding any objections. Given at Rome, near St. Peter's, under the Fisherman's Ring, on the second day of May, 1910, in the seventh year of Our Pontificate. R. L. ^ S. CARD. a MERRY DEL V A L. Secretary of State. LETTER. TO OUR BELOVED SON ANDREA,

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S.R.E. PRESBYTER, CARDINAL FERRARI, ARCHBISHOP OF MEDIOLANENSI. Beloved Son, greetings and Apostolic blessing. — We have recognized as entirely worthy the common letter, sent to Us by you and your priests from the diocesan Synod, of those men whom We know to be rightly formed by the discipline of Charles Borromeo: for, as you rightly say, the piety and faith of that most holy Bishop were so wondrous that it was fitting that his heart, in order to preserve its integrity, should be sent to Rome, to be religiously guarded. Indeed, from those letters, it was evident how zealously you strive to maintain a constant union of mind and spirit with the Vicar of Jesus Christ, and to demonstrate it through all obedience and observance. This is pleasing to Us; but it would be even more pleasing if, along with the other prescriptions of Ours, especially those concerning the manner in which priests ought to live, and those concerning the preservation of the integrity of the faith.

[*Latin ed. p. 477*]

The Holy Congregation of the Holy Office, number 477, concerning the transmission of the Christian doctrine to the people, has diligently fulfilled its duties, as it is accustomed to do and as it promises. May the Blessed Supreme Pontiff intercede for you before God, we pray; and We, with paternal charity, impart to you, our beloved Son, and to your entire Clergy, the apostolic blessing. Given in Rome, at Saint Peter's, on the third day of June, 1910, in the seventh year of Our Pontificate. PIUS PP. X.

HOLY CONGREGATION OF THE HOLY OFFICE (SECTION ON INDULGENCES)

DOUBTS REGARDING THE INTERPRETATION OF THE MOTU PROPRIO "CUM PER APOSTOLICAS" OF APRIL 7, 1910.

Thursday, June 15, 1910.

Having arisen certain doubts concerning the interpretation of the Motu Proprio "Cum per Apostolicas" of April 7th of the current year, the following questions have been proposed to this Sacred Congregation of the Holy Office:

1. Whether the Indulgences and faculties pertaining to Indulgences, which were granted before November 1, 1908, by the Holy Congregation for Indulgences then in charge, and obtained by the Secretaries of Briefs and Memorials, ought to be presented to the Holy Congregation of the Holy Office for recognition?

2. Whether the aforementioned Indulgences and faculties pertaining to Indulgences, which were obtained from the Secretariat of Briefs after November 1, 1908; and those which, whether before or after the same date of November 1, 1908, originated from any other office or department of the Holy See, other than those mentioned above, ought to be subject to this

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presentation?

3. Whether Indulgences and faculties pertaining to Indulgences, obtained before November 1, 1908, in any other way than through the intermediary of one of the aforementioned offices or departments of the Holy See, must also be presented to the Holy Congregation of the Holy Office and recognized by it, under penalty of nullity?

4. Whether the faculties, which are granted by special Apostolic privilege to Religious Orders, as their own, for blessing pious images, crowns, scapulars, medals, and similar objects (such as those given to Minor Orders for crucifixes for the Stations of the Cross, and to Preachers for crowns), ought to be presented to the Holy Congregation of the Holy Office for recognition, as mentioned above?

[*Latin ed. p. 478*]

Acts of the Apostolic See. - Official Commentary. 478 Rosaries, made by the Carmelites for the scapulars of the Blessed Virgin Mary of Mount Carmel, etc.), and granting Indulgences to them? After mature deliberation, the Most Reverend and Most Eminent Cardinals, Inquisitors General, in a plenary session held on Thursday, the 15th day of the current month of June, decided as follows: To question 1: Negatively. To question 2: Affirmatively, on both sides. To question 3: Affirmatively. To question 4: Negatively. On the following Friday, the 16th day of the same month, the Most Holy Lord, Pope Pius X, by divine providence, having granted an audience to the Reverend Father, the Assistant of the Holy Office, deigned to approve and confirm the resolutions of the Most Reverend Fathers, and at the same time declared, "that it was not his intention to include under No. 1, the Motu Proprio 'Concerning,' the faculty of granting the Apostolic Blessing with a Plenary Indulgence, once or twice, or to a specific group of persons." Rome, from the offices of the Holy Office, on the 17th of June, 1910. Aloysius Giambene, Substitute for Indulgences.

SACRED CONGREGATION CONSISTORIAL. APPOINTMENTS OF BISHOPS. The Most Holy Lord, Pope Pius X, by decree of the Sacred Consistorial Congregation, appointed:

March 22, 1910. — The Reverend Father Thomas Lillis, Bishop of Leavenworth (Leavenworth), as titular Bishop of the Church of Cibyra, to serve as Coadjutor with right of succession to the Reverend Father John Joseph Hogan, Bishop of Kansas City.

May 24, 1910. — The Reverend Father John Krapac, titular Bishop of Bellograd and Semendria, as Bishop of the cathedrals of the jointly and perpetually united dioceses of Bosnia and Syrmia. The Reverend Father Roch Vucic, titular Bishop of the Church of Helenopolis, as Bishop of the cathedral church of Segna (Segna, Zengg), with perpetual administration of the church of Modruš.

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June 16, 1910. — The Reverend Father Vincent Pulisic, Bishop of the cathedral church of Sebenico (Sebenico), as Archbishop of the metropolitan church of Zadar (Zara).

[*Latin ed. p. 479*]

Sacred Congregation of the Council. 479, June 23rd. — The Reverend Augustine Laera, priest of the nullius diocese of Aquaviva, is appointed Bishop of the cathedral church of Castellaneta. June 25th. — The Reverend Charles Curier, priest of the archdiocese of Baltimore, is appointed Bishop of the cathedral church of Zamboanga in the Philippine Islands. Furthermore, the Most Holy Lord commanded that letters Apostolic, sealed with lead, be expedited for the purpose of this matter. ERECTION OF DIOCESES. Our Most Holy Lord, Pope Pius X, by decree of the Sacred Congregation Consistorial, erected: May 23rd, 1910. — New Apostolic Prefectures of Solimões Superior and Teffé, which were separated from the extensive diocese of the Amazon, in the Republic of Brazil. June 8th, 1910. — A new nullius Abbey of Saint Mary, Help of Christians, Belmont, in the apostolic vicariate of Carolina, in the United States of America. Furthermore, the Most Holy Lord commanded that letters Apostolic, sealed with lead, be expedited for the purpose of this matter. GRAN. CONCERNING THE DEPRIVATION OF THE SACRAMENTAL TITLE. On June 11th, 1910, the General Vicar of Gran, by mandate of the Most Reverend Archbishop of that archdiocese, presented the following to the Sacred Congregation of the Council: "Priests in the dioceses of Hungary are ordained to the title of their respective diocese, since in Hungary, titles listed in canon law cannot be usurped. The Most Reverend Archbishop of Gran, seeking approval of this title, did not obtain it, but he did obtain the faculty to grant a dispensation from legitimate canonical titles for a period of five years, so that priests of the archdiocese of Gran may be ordained to the title of this archdiocese. The title of the diocese, according to the common interpretation prevailing in Hungary, grants the ordained priest the right to be given a pension or supported in the event of an inability to exercise pastoral duties."

[*Latin ed. p. 480*]

Acts of the Apostolic See. - Official Commentary. 480 dioceses. For this purpose, the dioceses of Hungary have been established with special foundations and institutions. The title of diocese, insofar as it concerns the right to request support from the diocese, is equivalent to the incardination of a priest to another diocese. "Indeed, regarding this title of diocese, a question arises of great importance concerning the discipline of the clergy, namely, whether priests who have been excommunicated and, after due judgment, have been deprived of their office as a punishment, can be completely deprived of the title of diocese, as they are now deprived of it by the penalty of deposition from a canonical benefice, through a dispensation from the

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Apostolic See, currently in the archdiocese of Gran; and whether, in such a case, they can claim support from the archdiocese, if they could not be deprived of the title of diocese. It is to be feared that such unfortunate priests, after often spending their lives in remote regions, weakened in spirit and reduced to hardship, might claim the right to request support from the archdiocese, based on the title of diocese, if they could not be deprived of that title. Certainly, such priests, eager to lead dissolute lives, would seize a very easy opportunity." Therefore, the Ordinary requests from the Sacred Congregation "that this doubt be kindly clarified, and that I may be mercifully instructed regarding the application of this penalty, which consists in the deprivation of the title."

SYNOPSIS OF THE DISCUSSION. - Total deposition (for it can also be partial), which is also called simple and absolute, as is clearly the case in this instance, permanently deprives the cleric to whom such a penalty is imposed of office (although not concerning the character, as is evident) and of any ecclesiastical office and benefice (Schmalz, V, title XXXVII, n. 135; Reiff, V, ibid., n. 33; Benedict XIV, de Syn., I. IX, c. VI, n. 3). Furthermore, from this general deprivation of offices and benefices, the benefice that the deposed cleric may have received by virtue of sacred ordination is not excluded. This is not legally prohibited; and "where the law does not distinguish, neither should we" (1. 9 in fin. de iuris et fact. ignor.; c. 6, § pen. de maiorit.). Moreover, the deprivation of such a benefice may be imposed for less serious crimes than those for which total deposition is imposed. See Monacell. tit. XIII, form. 3, n. 22: "Those who are ordained to a benefice, if they sin, or do not reside [there], or 'have some other fault,' may, with due observance, be deprived of their benefices, notwithstanding that they were ordained to them, or be substituted with others, as has been declared by the Sacred Congregation on several occasions, specifically in Fermo, May 18, 1665 (lib. 24 decret, page 496), Rome, March 18, 1684 (lib. 34 decret, page 70), and Vercelli, December 15, 1690." Monacell is agreed with by Lucidi, de Visit. c. III, § 12, and Wernz, Ius Decret., vol. II, p. 136. Indeed, since the title of diocese, by which Hungarians are granted [certain privileges] by the Indult of the Holy See,

[*Latin ed. p. 481*]

481 Sacred Congregation of the Council. The title of the benefice, which, according to the Council of Trent, Session 2, Chapter 2 on reform, is the true and principal title of ordination, is used. Since the aforementioned title is purely ecclesiastical, I do not doubt that, just as the title of the benefice is lost through the penalty of deposition, so too the title of the diocese is lost. However, it is established by law that deposition does not deprive one of the privileges of the forum and canon law, so that a cleric who is deposed remains in the clerical state. "The reason for this," as Layman states in book I, treatise V, page 111, chapter V, number 5, "is that the Church

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must take care that a cleric, like one suspended from a benefice (Layman speaks of suspension as a punitive penalty, not as a form of censure), is not compelled to beg with shame." And the same is stated by Abbé, in the pastoral manual, § verum, number 16, on appeals; Avila, page 4, question I, conclusion 3; and Suarez, who also gives a reason why, with respect to this support, the condition of a cleric deposed is better than that of a cleric suspended from a benefice by censure: "Doctors," he says, "establish this difference between a cleric who is absolutely deposed or suspended for a fault committed, and one who is bound by censure for contumacy, because the former are to be supported from the fruits of the benefice if they are in need (arg. ex c. Studeant, distinct. 50), so that they are not compelled to beg, since they no longer have the benefice or the right to ecclesiastical fruits. But the one who is punished for actual contumacy is not obliged to be supported by the Church from his own goods, even if he is in need and compelled to beg, because he deserves all of this as a penalty for his contumacy; and whatever disgrace may result from this will fall more on the person than on the order; and all of this is permitted for the greater good of the Church, which is the correction of contumacy" (Suarez, de cens. disp. 13, section 5, number 14). Therefore, in our case, the cleric deposed is deprived of the title of the diocese, from which he was promoted to the order; but, on the other hand, the diocese is obliged to support him, if he is in need, so that he is not compelled to beg with shame, just as a cleric ordained to the title of a benefice, if he incurs the penalty of deposition, loses the benefice, but, for the aforementioned reason, he must be provided with the necessities of life from the fruits of the benefice or from other goods of the Church. But someone might say: it seems unfair to deprive a cleric deposed of the title of the diocese, which consists in the right to receive support, if, afterwards, the diocese is obliged to support him by reason of his clerical state, as if the same thing were restored to him as soon as it is taken away. But this is not correct. For the support that is owed to someone by reason of the title of ordination (in this case, by reason of the title of the diocese) is superior, both in terms of the specific obligation and in terms of dignity and quantity, to the support that is given to a cleric who is criminally deposed and reduced to poverty, as if it were an alms, because he has not yet been expelled from the clergy.

[*Latin ed. p. 482*]

482 Acta Apostolicae Sedis. - Official Commentary. But what if a cleric, not at all improved by deposition, persists in his obstinacy? Must he be perpetually supported from the goods of the Church? In this case, the canons decree that a deposed cleric must be excommunicated if he is "incorrigible"; then, as his contumacy increases, he must be "struck with the scourge of anathema"; and finally, if, descending into the depths of wickedness, he "despises" [the Church], and the Church has nothing further to do with

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him, and he can be "lost to the ruin of many," then he "can be suppressed" [from holding office] (C. 10 De Iudiciis); that is to say, if deposition has been of no avail, it is possible to proceed to a real degradation, by which, among other effects, the cleric is stripped of the privileges of the forum and of canon law, is removed from the clerical state, and is deprived of all ecclesiastical benefits. (Schmalzg., V, XXXVI, n. 139; Reiff., ibid. lib. and title, n. 32; S. Alph., VII, c. III, n. 324, and others, passim); certainly not excluding sustenance in the case of poverty. But, since it is not always advisable, especially today, to degrade a deposed cleric, in these cases, no law prevents the Bishop from depriving such a cleric, even in the midst of his contumacy, of all ecclesiastical assistance, as Layman and the Abbot teach in the aforementioned passages, and as Suarez teaches in *De Censuris*, disp. 27, n. 5; which is also evident from the rules of law: "The good always contains within itself that which is less good"; and "the part is not doubted to be contained within the whole" (De reg. iur. in 6 reg. 35, 80). For what the Bishop can gradually take away from a cleric through degradation, why cannot he, for the same reason, take away only a part? Furthermore, if the deposed cleric is also excommunicated (as seem to be the priests about whom we are speaking), he also, by reason of the censure, until he perseveres in his contumacy, loses all ecclesiastical assistance by the very fact, as Suarez and others believe (See S. Alph., lib. III, n. 670), following the argument from c. Pastoralis, § verum, de Appellat., where it is said: "Those from whom ecclesiastical revenues are deservedly withdrawn to whom communion is denied," or certainly can be deprived of them by the judge's sentence, which is the more common opinion (Schmalzg., V, 39, 158; D'Annibale, 1, § 365, n. 33). After these considerations, in order to properly resolve the doubtful question, the following is asked: Whether priests who are excommunicated and who, after due process, have been deprived of their office by the penalty of deposition, and who are now exercising their office in the archdiocese of Strigoniensi by dispensation from the Apostolic See, can be completely deprived of their office, as they would be deprived of it by the penalty of deposition from a canonical benefice. The Fathers of the Holy Congregation of the Council, at the general meeting on June 11, 1910, in order to answer the doubtful question, judged:

[*Latin ed. p. 483*]

The Holy Congregation of Religious Orders. Affirmative, with the understanding that the provisions of Canon 483 regarding sustenance for those who are truly in need remain in effect. His Most Holy Lordship, Pope Pius X, in an Audience, on the 12th of the same month of June, granted the following to the undersigned Secretary, and deigned to approve and confirm the judgment of the esteemed Fathers. G. CARD. GENNARI, Prefect. L. ffi S. Basilius Pompili, Secretary. The Holy Congregation of Religious Orders, concerning Abbesses and other perpetual Prefects outside of ITALY. Since

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doubts still persist regarding the extension of the Constitution "Exposcit debitum," of January 1, 1583, outside of ITALY, after carefully considering proposals presented in plenary sessions of the Sacred Congregation of Religious Orders held on June 3, 1910, the esteemed and Reverend Fathers Cardinals judged: That the rules and constitutions approved by the Holy See, and the venerable customs, must be observed in this matter outside of ITALY; and that this should be done with due regard for the Holy See. His Most Holy Lordship, Pope Pius X, in an Audience, on the 4th of the same month of June, granted the following to the undersigned Undersecretary, and deigned to approve and confirm the judgment of the esteemed Fathers. Contrary opinions notwithstanding. Fr. J. C. CARD. VIVES, Prefect. L. £g S. Franciscus Cherubini, Undersecretary. Pope Gregory XIII, in the Constitution "Exposcit debitum," decreed that in all of ITALY and especially in the Kingdoms of both SICILIES, Abbesses and other monasteries with perpetual Prefects, of whatever Order, should no longer be elected for life, but only for a period of three years, after which, having elapsed, they could be elected again, and repeatedly, observing the form established in the Council of Trent.

[*Latin ed. p. 484*]

Acts of the Apostolic See. - Official Commentary. 484. SACRED CONGREGATION FOR THE PROPAGATION OF THE FAITH. DECREE. Since it seemed more opportune, due to particular circumstances, to establish a reciprocal demarcation of boundaries between the Apostolic Prefecture of Uelle and the neighboring Apostolic Vicariate of Central Africa, the Most Eminent Fathers of this Congregation, having considered the matter in a General Congregation held on June 6th, decided that the northern boundaries of the aforementioned Apostolic Prefecture of Uelle, which are currently located at 4 degrees north latitude, should extend further north, adding new territory to it, separating it from the Apostolic Vicariate of Central Africa, which should be defined by the lower course of the river Uelle, from the point where said river crosses the 4th degree of north latitude, then by the course of the Bomu river, up to its source, along the dividing line between the Nile and the Congo, and then by this line up to its intersection with the 4th degree of north latitude. This opinion of the Most Eminent Fathers was reported to His Holiness, Pope Pius X, by the undersigned Secretary of the same Sacred Congregation, and in an Audience on June 7th, His Holiness deigned to approve and ratify it in all respects, and ordered that the present Decree be issued concerning this matter. Given at Rome, from the offices of the Sacred Congregation for the Propagation of the Faith, on June 16, 1910. Fr. H. L. £g. Most Reverend

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Cardinal GOTTI, Prefect. Aloysius Veccia, Secretary.

[*Latin ed. p. 485*]

485. Holy Congregation of Rites. HOLY CONGREGATION OF RITES I. OF THE ORDER OF THE MINOR FRATIARS. CONCERNING THE PROHIBITED USE OF CORONETS, EITHER OF WOOD OR OF METAL, ON ALTARS. The present Superior of the Holy Mountain of Auvergne, with his Directors, with the consent of the Most Reverend Procurator General of the Order of the Minor Friars, humbly presented the following to the Holy Congregation of Rites. In many churches, for the sake of greater cleanliness of the altar, and to prevent the use of rough or excessively large altar cloths, the custom has prevailed, for many years, of using coronets, made of various materials, including wood. These wooden coronets are removed from the altars, according to the Ceremonial of the Bishops (lib. I, cap. 12, n. 11), when the sacred solemnities, whether Masses or Vespers, are celebrated on festive days. This manner of acting is also in accordance with the prescriptions of the most recent Ceremonial of the Order of the Minor Friars, published on October 4, 1908, and duly approved by the Holy See (lib. I, part. 2, cap. and art. 1), in which it is stated that wooden coronets should not be placed on the altars, according to the aforementioned Ceremonial of the Bishops, when speaking of the adornment of the altars for solemn Vespers and Masses. Since the Congregation, in response to a doubt regarding the lawfulness of such coronets in the sacred rites, on February 24, 1908, had responded in general terms with a negative answer, according to the Ceremonial of the Bishops, Lib. I, cap. 12, n. 11, "No wooden coronets," etc.; and this response had caused some doubt; the aforementioned Orator reverently requested a solution from the same Holy Congregation to the following doubts: I. Whether, after the wooden coronets have been removed from the altars during the celebration of the sacred solemnities, as mentioned above, they may be tolerated and permitted at other times, especially considering the very ancient custom? II. To the extent that the answer is negative, whether those made of decent metal, or at least entirely of metal, may be used? And the Holy Congregation of Rites, with the careful support of the Liturgical Commission, after carefully considering all matters, decided that the answer should be: To I and II: Negative. And it wrote thus. On May 13, 1910. Fr. S. L. -£g. His Eminence Cardinal Martinelli, Prefect. Peter La Fontaine, Bishop of Charystien, Secretary. ACTA, vol. II, n. 12. — 1 - 7 - 9 1 0. 33.

[*Latin ed. p. 486*]

Acts of the Apostolic See. - Official Commentary. 486 II. OF THE CITY AND THE WORLD. CONCERNING THE MASS OR COLLECT TO BE SAID ON THE ANNIVERSARY OF THE ELECTION OR TRANSLATION OF A BISHOP, ACCORDING TO THE CEREMONIAL OF BISHOPS. From

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the Decrees of the Holy Roman Church, n. 3661, Halifax, April 16, 1866, ad III, and n. 3876, Quebec, December 13, 1895, ad VIII, it is established that the day of the election or translation of a Bishop is that in which the provision for the Episcopal See is published by the Supreme Pontiff in the Consistory, or in which the election or translation itself takes place in the Consistory, or in which the previously made election or translation is announced in the Consistory; and from such consistorial publication, the anniversary of the election of Usküb has hitherto been reckoned for the purpose of the Mass or Collect corresponding to the Ceremonial of Bishops (lib. II, cap. XXXV). Now, by order of His Most Holy Father Pope Pius X, from an audience of the 20th day of the past month of May, made known through the Sacred Congregation Consistorial, the Sacred Congregation of Rites has decided and declared that the anniversary of the election or translation, in the case and for the purpose mentioned in the cited book and chapter of the Ceremonial of Bishops, with regard to Bishops elected or translated in the Consistory, is to be reckoned still from the day of the consistorial publication; whereas, with regard to other Bishops previously elected or translated, it is to be reckoned in the future not from the day of the announcement in the Consistory, but from the day of the dispatch of the decrees or Apostolic Letters pertaining to the translation. Notwithstanding the regulations previously issued concerning the election. Finally, the same Sacred Congregation again and opportunely declares that the anniversary of the election or translation of an Auxiliary Bishop, with future succession, in relation to the Mass or Collect, when the office of the Auxiliary ceases and a successor to the Auxiliary arrives, is also to be reckoned from the day of the dispatch of the decrees or Apostolic Letters for the aforementioned Auxiliary; as has been otherwise decided, especially in Marianopolitana n. 3440, of January 30, 1878. And thus it has been written, declared, and commanded to be observed, from this day, June 8, 1910. Fr. S. CARD. MARTINELLI, Prefect. L. ^ S. f. Peter La Fontaine, Bishop of Charystien, Secretary.

[*Latin ed. p. 487*]

Sacred Congregation of Rites. 487 III. PARIS. Regarding the beatification and canonization of the Venerable Servant of God, Francis Mary Paul Libermann, founder of the Congregation of the Sacred Heart of Mary. Concerning a doubt: Whether it is established that he possessed the theological virtues of Faith, Hope, and Charity, in God and towards his neighbor, as well as the cardinal virtues of Prudence, Justice, Fortitude, and Temperance, and their corresponding virtues, in a heroic degree, in life and in effect, as pertains to the matter under consideration. That divine virtue, which transformed Saul from a persecutor of Christians into the Apostle and Doctor of the Church, renewing the miracles of its ancient power, called the Venerable Servant of God, Francis Mary Paul Libermann, from darkness

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into its admirable light. He, indeed, was born on the eve of the Ides of April in the year of the restored salut, 1804, in Taberna in Alsace, the son of a doctor of Jewish law, and imbued with Talmudic precepts; at first, he fell into skepticism; then, inflamed by the desire to recognize the truth, he diligently studied and intently read the history of the Catholic Faith; and he adhered so firmly to the Faith that, despite his father's rebukes, at the age of twenty-two, he was reborn in the sacred Baptism, admitted among the clergy, and fifteen years later, he was raised to the priesthood. Offering himself as an unshakeable worker, he became all things to all men; soon, he instituted missions to evangelize the infidels living in Africa, exciting a select group of heralds of the Gospel for this purpose, whom he called Missionaries of the Sacred B. V. M. Heart. However, scarcely ten years after the founding of the Sodality, when the Congregation of the Holy Spirit, founded in Paris in 1733 by the distinguished man, Claude Francis Poullart des Places, was about to perish due to the ravages of time and the small number of students, who were to be instructed in the Sacred Missions among the Negroes, especially in the Colonies of France; the Venerable Francis Libermann, seizing the opportunity, and leaving a shining example of humility, joined it, along with his associates, with the approval of the Apostolic See; and, after being chosen by suffrage, he soon and most holily presided over it. This event happily benefited the Church: for, from then on, it extended its boundaries with the establishment of new dioceses in the French Colonies. However, the Venerable Servant of God, after ten years of being a priest, began to be more severely afflicted by a long-standing illness; after a long period of lying in bed, and enduring the greatest pains, he remained steadfast in spirit.

[*Latin ed. p. 488*]

488 Acta Apostolicae Sedis. - Official Commentary. Having borne it with patience, and most devoted to the Divine Will, he fell asleep in the Lord on the fourth day of February in the year 1852. The reputation of his sanctity in the regions of France, Italy, and Africa, having been illustrated by many miracles, as is said, had grown so great that, after all that is required by the Apostolic Constitutions for such causes had been completed, an examination of his virtues was instituted. Therefore, four sessions were held for this purpose: first, on the eighth day before the Kalends of May in the year 1906, in the house of Cardinal Aloysius Oreglia, Bishop of Ostia and Velletri, the Relator of the Cause; then, at the Kalends of August in the year 1907, at the Vatican; then again at the Vatican in a second preparatory session on the day before the Nones of July in the year 1909; and finally, at the General Congregation held there before His Holiness Pope Pius X on the Kalends of February in the year 1910, where the Reverend Cardinal, Relator of the Cause, proposed the question: Whether it is established that the Venerable Servant of God, Francis Mary Paul Libermann, possessed the Theological

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Virtues of Faith, Hope, and Charity in God and in his neighbor, as well as the Cardinal Virtues of Prudence, Justice, Temperance, and Fortitude, and their corresponding virtues, in a heroic degree, in the case and to the effect of which we are speaking. The Most Reverend Cardinals and Fathers Consultors, each giving their vote, declared: That it is established that the Venerable Servant of God, Francis Mary Paul Libermann, possessed the Theological Virtues of Faith, Hope, and Charity in God and in his neighbor, as well as the Cardinal Virtues of Prudence, Justice, Temperance, and Fortitude, and their corresponding virtues, in a heroic degree, in the case and to the effect of which we are speaking; so that the process may proceed to the discussion of the three miracles. This Decree was ordered to be made public and recorded in the acts of the Congregation of Sacred Rites, on the thirteenth day before the Kalends of July in the year 1910. FR. S. CARD. MARTINELLI, Prefect. L. S. f. Petrus La Fontaine, Bishop of Charyste, Secretary.

[*Latin ed. p. 489*]

Sacred Congregation of Rites. 489 IV. MARIANOPOLITANA. Regarding the beatification and canonization of the Venerable Servant of God, Margaret Bourgeoys, foundress of the Congregation of Our Lady. Concerning the doubt: Whether charity towards God, fortitude in adversity, and constancy in the virtues of faith, hope, and charity, as well as temperance and their related virtues, were manifested in a heroic degree in the person under consideration. The celebrated passage of Scripture states: "But the foolish things of the world hath God chosen, that he may confound the wise." (1 Corinthians 1:27). The truth of this statement, although clear from the beginning of the Church, has been made manifest to us in a certain way in the present cause. We are concerned with a woman, named Margaret Bourgeoys, born on the 7th of April, in the year 1620, in Trecis, in France, who, by the will of He, forgetting her own weakness and bodily frailty, first alone, and then with companions to whom she gave the name of Sisters of Our Lady, endured great hardships and shaped the morals of the people living in the Canadian region according to the norms of the Christian faith, and who, through her great spirit and the labors and undertakings she undertook, seems to have expressed the life and customs of the Apostle Paul. Her most outstanding devotion was to the Most Holy Eucharist, to which, moved by a certain impulse of the Holy Spirit, she was vehemently drawn, striving above all that all would give singular honor to this Sacrament. In her humility, when she had devoted herself for the salvation of a certain Sister, whom she considered to be of great use to the other Sisters, she peacefully departed this life in the Lord at the age of eighty. As it became clear, the Canadians mourned her loss more deeply than the loss of a mother, proclaiming her a most beloved mother to the Church, the Blessed, and Cologne. As this opinion of her sanctity grew

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day by day, the cause for her was begun before the Sacred Congregation of Rites. Therefore, after collecting the necessary evidence and fulfilling all requirements according to the law, a formal investigation into the heroic virtues of the Venerable Margaret Bourgeoys was instituted. First, in the preparatory meetings held on the 14th of July, in the year 1907, in the chapel of Cardinal Aloysius Oreglia, Bishop of Ostia and Velletri, the Relator of the Cause; then, in the preparatory assembly convened in Vatican on the 4th of January of the following year; and finally, in the general assembly recently held before His Holiness, Pope Pius X, on the 7 of June, in which,

[*Latin ed. p. 490*]

Acts of the Apostolic See. - Official Commentary. Regarding the question proposed by the same Most Reverend Cardinal Relator: Whether it is established that the Venerable Servant of God, Margaret Bourgeoys, in the heroic degree, in the case and with the effect under consideration, possessed the Theological Virtues of Faith, Hope, and Charity in God and in neighbor, and also the Cardinal Virtues of Prudence, Justice, Temperance, and Fortitude, and those attached to them, the Most Reverend Cardinals and Consultors, each individually, submitted their votes. The Most Holy Lord, having encouraged those present to pray that heavenly light might be obtained for rightly judging, decided. Today, having entered this hall of the Vatican Basilica, the Most Reverend Cardinals were joined by Sebastian Martinelli, Prefect of the Congregation for Sacred Rites, and Aloysius Oreglia, Relator of the Cause, as well as the Reverend Father Alexander Verde, Promoter of the Holy Faith, and myself, the undersigned Secretary, and in their presence, solemnly declared: That it is established that the Venerable Servant of God, Margaret Bourgeoys, in the heroic degree, in the case and with the effect under consideration, possessed the Theological Virtues of Faith, Hope, and Charity in God and in neighbor, and also the Cardinal Virtues of Prudence, Justice, Temperance, and Fortitude, and those attached to them, so that the discussion of the four miracles may proceed. This Decree was ordered to be published and recorded in the acts of the Congregation for Sacred Rites on the thirteenth day before the Kalends of July, 1910. Fr. S. CARD. MARTINELLI, Prefect of the Sacred Congregation of Rites. L. © S. f. Petrus La Fontaine, Bishop of Charyste, Secretary. V. TIFERNATEN. CONCERNING THE BEATIFICATION AND CANONIZATION OF THE VENERABLE SERVANT OF GOD, SISTER FLORIDA CEVOLI, A PROFESSED NUN IN THE CAPUCHIN MONASTERY OF TIFERNATEN. Regarding the question: Whether the Venerable Servant of God, Sister Florida Cevoli, possessed the Theological Virtues of Faith, Hope, and Charity in God and in neighbor, and also the Cardinal Virtues of Prudence, Justice, Temperance, and Fortitude, and those attached to them, in the heroic degree, in the case and with the effect under consideration. Among the virgins who have chosen the better part, the Venerable Servant of God, Florida Cevoli, born in

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Pisa of a noble family, on the third day before the Ides of November, in the year of Our Lord 1685. She was raised by diligent parents, and especially by a divine grace, with outstanding piety in God. Thanks to this, a little lamb of Christ, having barely reached the age of reason, dedicated her virginity to God: this vow was made in such a way that...

[*Latin ed. p. 491*]

The Holy Congregation of Rites decreed that, having completed her seventy-seventh year, and having overcome the difficulties presented to her with a manly spirit, she entered the Capuchin religious community of Tifernati. There, properly admitted among the Sisters, content with a humble habit and worn clothing, a small cell, and meager food, she subjected her body to constant penances, living a life of mortification. Thus, she inspired all the Sisters with her devotion, so that they repeatedly elected her, even against her will, as their superior. And all of these things have been stated in detail. However, it must not be overlooked the fact concerning Saint Veronica and Julian. For when she was performing the duties of a teacher of novices in the monastery of Tifernati, she received a young girl, Cevoli, among the Sisters. But the saintly woman so attached herself to her through her holy example, that no Sister was ever more dear to her than that teacher. In this way, when she reached the age of ninety-seven, she was struck by a disease, with which she had long been afflicted, and, reflecting the patience and obedience of Christ crucified, she peacefully rested in the Lord on the eve of the Ides of June in the year 1767. The reputation of her holiness, together with the fame of miracles, grew so rapidly that, after all the necessary procedures had been completed before the Holy Congregation of Rites, in accordance with the norms of the Apostolic Constitutions, an investigation was finally instituted into the virtues of the Venerable Servant of God. First, in the offices of the Most Reverend Cardinal Vincent Vannutelli, Bishop of Preneste, and Relator of the Cause, on the eve of August in the year 1906; then, at the Vatican, on the third day before the Kalends of April in 1909; and finally, at the general meetings held before His Holiness Pope Pius X in December of the same year. In these meetings, the Most Reverend Relator, having proposed the question: "Whether it is established and proven that the Venerable Servant of God, in her life, practiced the virtues of faith, hope, and charity, as well as the cardinal virtues of prudence, justice, and temperance," each of the Most Reverend Cardinals and Consultors present gave their opinion. His Holiness, however, postponed giving his judgment to another time, in order to obtain a greater abundance of divine light. But today, after the offering of the sacred Mass, the Most Reverend Cardinals Sebastian Martinelli, Prefect of the Holy Congregation of Rites, and Vincent Vannutelli, Relator of the Cause, together with the Reverend Father Alexander Verde, Promoter of the Holy Faith, and myself, were

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summoned to this hall in the Vatican, and the following decree was issued: "It is established and proven that the Venerable Servant of God, in her life, practiced the virtues of faith, hope, and charity, as well as the cardinal virtues of prudence, justice, and temperance."

[*Latin ed. p. 492*]

492 Acta Apostolicae Sedis. - Official Commentary. Guarantee and Fortitude, and those things connected therewith, concerning the Venerable Servant of God, Florida Cevoli, in the heroic degree, in this case, and with regard to the matter under consideration. This Decree was ordered to be promulgated and recorded in the acts of the Congregation of Sacred Rites on the 13th of July of the year 1910. Fr. S. CARD. MARTINELLI, S. B. G. Prefect. L. © S. f. Petrus La Fontaine, Bishop, SACRA ROMANA Charystien., Secretary. ROMAN ROTA. PRIVILEGES OF THE FORUM. During the happy reign of Pope Pius X, in the seventh year of his pontificate, on the 15th of March, 1910, the Most Reverend Fathers, Doctors Gustavus Persiani, presiding, William Sebastianelli, and Seraphinus Manu, Auditors of the Roman Rota, in the matter of the Privileges of the Forum, with Giulio Baglioni appearing as the advocate, representing the appellant, against Vincent Dnu, through his procurator, Anthony Sacconi, advocate, of Turno, in the case of appeal concerning the Most Reverend Lord Angel D'Alessandri, presented the following judgment: The Most Reverend Lord Valerian Sebastiani, the Urban Archbishop, in his last will, established the universal heir as the Most Reverend Lord Giulio Baglioni, Canon and parish priest of Saint Mary in Cosmedin. Anthony Boni, who, while the Archbishop Sebastiani was alive, served as his advisor and minister in his affairs, declared that he had a considerable sum of money owed to him by the heir Baglioni, and demanded repayment of his debt from the heir. However, this did not proceed favorably. Therefore, after fruitless private negotiations on this matter, Anthony Boni considered it necessary to seek legal recourse; and for this purpose, he summoned the Most Reverend Lord Baglioni, as a cleric, to appear before the Tribunal of the Vicariate of the City. However, Baglioni, at the threshold of the court, proposed a declinatory exception of the privileged forum, so that the case might be pursued before a lay judge on both sides. Although a judgment was issued on the 15th of May of the preceding year concerning this matter, to which an appeal to the Holy Office was interposed by Anthony Boni, the parties in dispute, in the definition of the appeal,

[*Latin ed. p. 493*]

The Roman Rota, in case number 493, which was not expected and, with all its consequences, was formally abandoned by mutual agreement through a private document dated July 18, 1909, so that, with matters restored to their previous state, a new trial might be instituted before

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the same judge of first instance. And indeed, a new trial was instituted; but the Reverend Mr. Baglioni again proposed the declinatory exception of the ecclesiastical court, which the judge of first instance, after further consideration, completely rejected by a judgment dated December 3, 1909. From this judgment, the Reverend Mr. Julius Baglioni, by an act dated December 13 of the same month and year, appealed to the Holy Office. And the case, to be decided today, is presented under the following questions: 1. Whether, even considering the present circumstances, there is grounds for the appeal? Affirmative. 2. Whether the declinatory exception of the ecclesiastical court is valid in this case? Regarding the facts. — Since the plaintiff is bound to follow the forum of the matter, and in this case the defendant has a privileged forum, Anthony, having obeyed ecclesiastical law, brought the Reverend Mr. Julius Baglioni before the Tribunal of the Vicariate of the City. In this matter, the Lords Auditors, as well as proving the plaintiff's respect for the laws of the Church, also acknowledged his intention to have the case heard by an ecclesiastical judge, which he would not have been able to obtain otherwise. On the contrary, the Reverend Mr. Julius Baglioni maintained the right to have the trial held directly before a lay judge, believing that, with respect to the plaintiff, he was in a less favorable position before the ecclesiastical judge, since, as a cleric and subject to an ecclesiastical superior, he could always be compelled to execute a judgment contrary to his own will, while the plaintiff, under these conditions, had the free power to disregard a judgment unfavorable to him and to pursue his case before a lay judge of civil society: and therefore, since he had proposed the declinatory exception of the forum before the judge of first instance, he renewed it before the Holy Office. Before it, he said: "With all due respect, I ask the same Most Reverend Tribunal that 'I may renounce the privilege of the forum, and this in order that 'the aforementioned Mr. Boni, free from any ecclesiastical censure, may 'freely resort to the civil court, and there 'experience his action against me.'" In this place of judgment, he said again: "The 'representative of Mr. Canon Giulio Baglioni, present in this 'cause, reiterates the request of Baglioni and insists that..."

[*Latin ed. p. 494*]

494 Acta Apostolicae Sedis. - Official Commentary. "This Most Excellent Tribunal should reject the action brought by Boni, and should "grant him, if the circumstances warrant, the appropriate faculties to freely and with a clear conscience, appeal to the secular court." This petition was also deemed legitimate: "because, given the conditions in which the Church currently finds itself in Italia, and in almost all nations, it is made impossible for it to exercise its competence and its proper jurisdiction, and the privilege of the ecclesiastical court instead results in a detriment to those very privileged individuals." Regarding the matter of law. — However, the

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difficulty, which arises from the disparity in the condition of the plaintiff and the defendant, was not considered by the Lords Auditors to be one that should be taken into account. For it is one thing to fulfill the office of a judge, and another to be a legislator. If there are any inconveniences arising from the application of laws, it is the duty of the legislator to consider them and to adapt them to the good of society when he establishes the laws: but it is the duty of the judge to receive the established law and to apply it to the questions before him. Even in civil society, there are many things that are desired which the laws have not sufficiently addressed: nevertheless, the laws are received and applied by the judges as they have been promulgated by the legislators. Therefore, whatever may be the case regarding the aforementioned disparity in conditions, which relates more to the reasonableness of the law than to the competence of the Ecclesiastical Tribunals, the question proposed by H. S. O. regarding the legal procedures by which the ecclesiastical body operates, must be examined and decided. Indeed, the clergy enjoy the privilege of the ecclesiastical court, and they should not be summoned to appear except before the Ecclesiastical Judge in all cases, both spiritual and temporal, or civil and criminal. This is evident from numerous witnesses of Canon Law, which was confirmed by the Council of Trident [Trent] (session XXV, canon 20, on Reform), in which the Fathers urge Christian Princes to venerate the Apostolic Sanctions, issued in favor of ecclesiastical persons, as if they were the commandments of God. This privilege truly belongs to the clergy by human law, in accordance with divine law (Schmalzgrueber, book III, title 2, on the competence of courts, no. 98); for the immunity of the clergy from the secular court is indeed established by positive human law; but it is based on divine law and intention: which is so in accordance with the order of the clergy, by divine ordination, and with a higher lay status, that he would be degraded and almost cast down from his rank, if lay judges were to judge of the same matters. For the clergy are considered, as it were, spiritual things in law, having dedicated themselves and given themselves over to the service and lot of Christ (c. cui portio 2, qu. 2), and it is incongruous that the clergy, sacred persons who should be superior to the laity in accordance with divine law, should be subject to them: and for this reason they are said to be exempt.

[*Latin ed. p. 495*]

The Roman Rota. The jurisdiction belongs to the Emperor, and therefore to any secular judge, as Innocent notes in chapter 2, concerning major offenses, obedience, and in chapter Significantibus concerning delegated offices (Fagnan, book II, on Secular Competence, chapter Nullus, number 3). Therefore, the Council of Trident declared (I. c.) that the immunity of the Church and of ecclesiastical persons is established by God's ordinance and by canonical sanctions. From this it follows that the privileged forum of the Cleric cannot be abolished by any law of secular princes, because such

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a law, made for the good of civil society, lacks any efficacy with regard to the ecclesiastical society, and does not extend to it, nor can it extend to it; nor can a contrary custom be introduced, for such a custom would be reprehensible, like a corruption of the law, because it is contrary to ecclesiastical liberty. Indeed, not even the Roman Pontiff, with the immense power he possesses, can abolish this privilege with regard to all clerics and all their causes, since He Himself received that power from Christ for the building up, and not for the destruction, of the Church. Nevertheless, the Pontiff can, for reasons of place and time, either restrain or even abolish it, since his determination depends on himself, and, considering these things, he decides what is expedient according to law. And this, in fact, we have seen done by Boniface VIII, by the Council of Trent, and also by laws enacted by the Holy See with certain kingdoms, during these times, concerning this matter. But then, the Pope does not abolish this privilege, but rather, by the fullness of his power, delegates civil and criminal causes of clerics to a lay judge, as the Glossa teaches, in canon 1, Bene, dist. 96. Furthermore, the secular forum must be followed, it follows that any plaintiff must bring a cleric before the ecclesiastical judge, since all civil and criminal causes of clerics must be heard and decided by that judge. And this must be observed not only in all places where civil authority recognizes all rights and privileges, and leaves their free exercise, but also in those places where, after all efforts have been made, disobedience and rebellion have prevailed, and the ecclesiastical forum has been removed. For the Church, which suffers violence at the hands of secular authority, to which it cannot resist, does not renounce its rights, nor can it renounce them without killing itself; and for this reason, it has wished to be firm and resolute in this matter. The clearest documents of this are found in the writings of Pope Pius IX, confirmed by his blessed memory, such as the Allocution given on the day of the Consistory of November 1, 1850, in which the law of April 9, 1850, concerning the suppression of the ecclesiastical forum, promulgated by the Piedmontese government, was condemned by the Pope; the Allocution given on September 27, 1852, in which the same Pope firmly opposed the laws of the government of the Republic of New Granada concerning the same matter; and the Allocution given on December 15, 1856, in which he defended the sacred rights of the Church against the government of the Republic of Mexico. However, given the changed conditions of civil society in Italy,

[*Latin ed. p. 496*]

Acta Apostolicae Sedis. - Official Commentary. 496. The Universal Inquiry, by Decree of January 23, 1886, established that if someone is not granted the right to pursue their claims against clerics except before lay judges, then that person shall have the power to appeal to a secular tribunal, but under the condition that the plaintiff must first obtain permission from

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their own Ordinary, so that the clerics may be properly summoned; and if this permission is not obtained, it is within the power of the Ordinaries to impose penalties and censures upon him, as on one who violates the privilege of the ecclesiastical forum. This cannot be understood unless the existence of this forum is presupposed; otherwise, the dispensation from a law that does not exist, and the punishment for violating a law that has ceased to be, would be inconceivable. Therefore, in those places where the privilege of the forum has not been derogated by the Supreme Pontiffs, a plaintiff to whom no other means of pursuing their rights except before lay judges is available, may bring a case against a cleric before a secular tribunal; but for this, they must first obtain permission from the Ordinary. Moreover, it is considered to be in their best interest to have a judgment rendered by an ecclesiastical judge. A cleric cannot decline the ecclesiastical forum. Nor can a cleric renounce the privilege of the forum, either explicitly or implicitly. (Book II, Title 2, on the Competent Forum, Chapter 12). Although this privilege may be said to be personal, since it affects individuals, nevertheless, since it is not granted to individual clerics in consideration of their person, but in consideration of the clerical order, it takes on the nature of a public law privilege, to which no private person can renounce in any way, without causing harm to the entire clerical order. Therefore, the rule - everyone can renounce their right - is not applicable here, because it would involve a prejudice to a third party: and in this case, that prejudice would be a disgrace to the entire clerical order. Therefore, the action brought by Anthony Boni before the Tribunal of the Vicariate of Rome against the Reverend Mr. Julius Baglioni was properly instituted, but the latter attempted to thwart it entirely through the use of the exception of the forum. Consequently, the judgment rendered by the Tribunal of the Vicariate of Rome on December 3, 1909, rightly and justly rejected that exception. Indeed, although, speaking generally, any judgment can be appealed, since appeal is a type of defense that is not easily denied to anyone, there are times when it is prohibited by law, especially in cases in which the remedy of appeal, which is intended not for the defense of injustice, but for the protection of innocence and justice, would result in the detriment of justice and innocence (sections 5, 13, 14, 61, on Appeals). In general, an appeal is not admitted if it appears to be openly frivolous and futile (section 53, on Appeals; Schmalzgr., chapter 29); such is the case with an appeal from a judgment in notorious cases, whether by the notoriety of the fact, with which tergiversation is impossible, or by the notoriety of the law, with...

[*Latin ed. p. 497*]

The Roman Rota. In case number 497, the judgment was decided according to clear texts of the law; for in this case, the appellant sought the law, rather than overturning the judgment of the judge, and this is to the detri-

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ment of justice, because it is frivolous and futile (cf. 26:29, *De Appetitu*; Clement of Alexandria, 3, chapter 1). Therefore, in the appeal presented by the Reverend Doctor Baglioni before the Most Holy Office, against the judgment of the Vicariate Tribunal, the Auditors considered that the appellant could not be excused for a manifest lack of prudence. Having considered and diligently pondered all these things, We, the undersigned Auditors of Tournon, invoking the name of Christ, sitting for the Tribunal and having only God before our eyes, do hereby decide, declare, and pronounce that the appeal presented by the Reverend Doctor Giulio Baglioni in this case is to be rejected as lacking in legal basis, indeed, it is disapproved of by the law itself; or, addressing the points raised, but changing their order so that what is placed first under one number is retained under the second number, and vice versa, We respond as follows: to point 2, we answer "No"; to the provision in point 0, We decree and order that the judicial expenses of both instances be paid by the Reverend Doctor Giulio Baglioni, reserving to Ourselves the right to determine the amount of those expenses. Thus We pronounce, decreeing that those to whom it pertains should order the execution of this Our definitive judgment, and that they should proceed against those who resist, in accordance with the sacred canons, and especially chapter 3 of Session 25 of the Council of Trent, using the executive and coercive means that are most effective and appropriate for the circumstances. Rome, in the seat of the Tribunal of the Holy Roman Rota, on the 15th of March, 1910. Gustavus Persiani, President. L. Sebastianelli. Seraphinus Many. Sac. Tancredes Tani, Notary.

[*Latin ed. p. 498*]

Acts of the Apostolic See. - Official Commentary. 498 ROMAN CURIA DIARY. SACRED CONGREGATION OF RITES. On the twenty-first day of the current month of June, in the Apostolic Palace at the Vatican, the Ordinary Congregation of the Sacred Rites was held, to discuss the following matters: I. Introduction of the Cause for Beatification and Canonization of the Servant of God, Vito Michele Di Netta, professed priest of the Congregation of the Most Holy Redeemer. II. Resummption of the Cause for Canonization of the Blessed Maddalena Sofia Barat, Virgin, Foundress of the Sisters of the Most Sacred Heart of Jesus. III. Approval of the election of the Blessed Virgin of Valleverde as Patroness of the City and Diocese of Bovino. IV. Approval of the election of the Blessed Virgin of the Good Counsel as Patroness of the City and Diocese of Sandhurst in Australia. V. Review of the writings of the Servants of God, Giovanni Maria Du Lau, Archbishop of Arles; Pietro Ludovico de la Rochefoucault, Bishop of Saintes; Francesco Giuseppe de la Rochefoucault, Bishop of Beauvais, and their Companions, Martyrs.

ANTE-PREPARATORY CONGREGATION. On the twenty-eighth day of the current month of June, before the Most Reverend and Venerable

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Cardinal Domenico Ferrata, Promoter of the Cause, the Ante-Preparatory Congregation of the Sacred Rites concerning the heroic virtues of the Venerable Ludovica de Marillac, Widow Le Gras, Co-foundress of the Daughters of Charity, took place.

SECRETARY OF STATE. His Holiness, through a note from the Secretary of State and a Brief, deigned to grant: The use of the Pallium: May 12, 1910. — To Monsignor Antonio Stillmans, Bishop of Gand. And to appoint: Auxiliary Bishops to the Holy See: May 12, 1910. — Monsignor Alfredo Williez, Bishop of Arras. May 23. — Monsignor Giovanni O'Connor, Bishop of Newark (St. Un.). June 4, 1910. — Monsignor Tommaso Ludovico Heylen, Bishop of Namur.

[*Latin ed. p. 499*]

Diarium Romanae Curiae. 499. Cleric of the Most Holy Apostolic Chamber: June 9, 1910. — Monsignor Felice Sarra, of Rome. Apostolic Protonotaries, as if participants: May 14, 1910. — The Reverend Father Alessio Brosse, General Vicar of Lyons. May 19. — The Reverend Father Aristide Jourdan, General Vicar of the diocese of La Rochelle. May 27. — The Reverend Father Guido Bittner, Canon Dean of the Cathedral of Gurk. Domestic Prelates of His Holiness: May 14, 1910. — The Reverend Father Floriano Lavallée, Rector of the Catholic University of Lyons. May 18. — Monsignor Rocco M. Pellegrini, Honorary Chamberlain of His Holiness in Loreto. May 21. — The Reverend Father Giacomo Sinnot, Parish Priest of St. Charles in Philadelphia; — The Reverend Father Beniamino Favrin, Canon Penitentiary of the Cathedral of Treviso. May 25. — The Reverend Father Francesco Malusa, Parish Priest of St. Mary of the Rosary in Venice. May 27. — The Reverend Canon Father Giacomo Viladrich y Gaspar, General Vicar of the diocese of Urgell; — The Reverend Canon Father Ferdinando Wappis, Scholastic Canon of the Cathedral of Gurk and Infulated Prelate of Strasbourg. — The Reverend Canon Father Giovanni Schmidt, Prelate of the Cathedral Chapter of Vacia. May 28. — The Reverend Doctor Teodoro Klopsch, Professor of Church History and Canon Law in the diocese of Posen. June 9, 1910. — The Reverend Canon Father Primo Valdarchi, General Vicar of the diocese of Urbino. HONORS. His Holiness, with a letter from the Secretariat of State and with a Brief, has deigned to confer the following honors: The Grand Cross of the Order of St. Gregory the Great, military class: May 28, 1910. — To Mr. Count Bernardo Blumenstihl, representative of the dissolved pontifical army in Rome. The Commander of the same Order, military class: May 13, 1910. — To Mr. Frederick Pfyffer, Captain in the dissolved pontifical army. The Commander of the same Order, civil class: May 12, 1910. — To Mr. Giulio Moulinasse, of the diocese of Malines. May 18. — To Mr. Baron Giuseppe Oudet, of the diocese of La Rochelle. May 27. — To Mr. Count Leopoldo Zieten, of the diocese of Posen. June 9, 1910. — To Mr. Giovanni Enrico Komp, of Neudek, archdiocese of

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Prague. — To Mr. Otto Hierl Deronco, a painter. June 1. — To Mr. Arturo Krupp, of the archdiocese of Vienna.

[*Latin ed. p. 500*]

500 Acta Apostolicae Sedis. - Official Commentary. The Knighthood of the Order of St. Gregory the Great, civil class: May 19, 1910. — To Mr. Renato de Grien, of the diocese of La Rochelle; — To Mr. Pietro Bouyè, of the diocese of La Rochelle. June 1, 1910. — To Mr. Wilhelm Kemmer, of Cameron (West Africa). June 9. — To Mr. Italo-Pio de Praetis, of the archdiocese of Urbino. June 10. — To Mr. Pietro Gatti, Cashier of the Holy Congregation for the Propagation of the Faith; — To Mr. Leonardo van der Steen, Secretary of the Catholic Congresses in the diocese of Bois-le-Duc. The Knighthood of the Order of St. Sylvester the Pope: May 14, 1910. — To Mr. Lodovico Lacuria, Secretary of the Catholic University of Lyon.

THE PAPAL HOUSEHOLD, BY NAME

The Holiness of Our Lord, through a letter from His Eminence, the Reverend Monsignor, the Major Domo, has deigned to appoint:

Honorary Secret Chamberlains:

June 13, 1910. — Msgr. Ladislao Szàntó, of the diocese of Veszprémia; — Msgr. Giuseppe Lukcsics, of the same diocese; — Msgr. Belisario Philipps, of the archdiocese of Lima; — Msgr. Bernardo Schmitz, of the diocese of Osnabrück; — Msgr. Valentino Pukowsky, of the diocese of Neutra (Hungary); — Msgr. Ladislao Hozakowski, of the diocese of Posen;

June 17. — Msgr. Luigi Maglione, Minute-taker of the Vatican Secretariat of State;

June 20. — Msgr. Benedetto Neri, of the diocese of Montepulciano; — Msgr. Giovanni Nepomuceno Werner, of the archdiocese of Munich.

Honorary Chamberlains in purple cassock:

June 13, 1910. — Msgr. Andrea Haidukiewicz, of the diocese of Premisla; — Msgr. Frederick Tobler, of the archdiocese of Vienne; — Msgr. Fedele Periccioli, of the archdiocese of Siena.

June 20. — Msgr. Norberto Backers, of the diocese of Bois-le-duc.

NECROLOGY

June 21, 1910. — Msgr. Giuseppe Correa Cardoso Monteiro, Bishop of Angra (Island of Terceira in the Azores).

June 24. — Reverend Father Michele da Carbonara, of the Minor Capuchin Order, Apostolic Prefect of Eritrea.

[*Latin ed. p. 501*]

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ACTA APOS TOLICAE SEDIS: OFFICIAL COMMENTARY

ACTS OF POPE PIUS X, BY HIS OWN MOTION.

A MILITARY VICARIATE IS ESTABLISHED IN THE REPUBLIC OF CHILE.

PIUS PP. X.

For the perpetual memory of the matter.

In this most blessed Chair of Peter, dedicated to the care of the good of the Catholic Church, we willingly grant what may be conducive to the benefit of the faithful, according to divine mercy.

Indeed, our most beloved son in Christ, the President of the Republic of Chile, has seen fit to explain to Us that it would be pleasing to him if, for the Catholics who serve in the armed forces of that Republic, we would deign to establish a Military Vicariate, or, as they say, a Major Chaplaincy, out of Our benevolence. Considering how beneficial such an institution would be to those same Catholics, we have decided to order its implementation without delay.

Therefore, by Our own motion and with certain knowledge and mature deliberation, We hereby establish, by Our Apostolic Authority, a Military Vicariate, or Major Chaplaincy, in the Republic of Chile, under the conditions set forth below.

The Military Vicariate, or Major Chaplaincy, separate from other Ordinaries, and subject to the minimum jurisdiction, shall have power over all those who serve under the banners of the Republic of Chile, both on land and at sea, wherever they may be among the nations, and over all faithful who belong to the Chilean army according to the laws.

It shall receive, through the Apostolic Letters of this Holy See, all that is customarily granted to Major Chaplains of other armies, and it shall be able to use these, either through itself or through other ecclesiastical persons delegated by itself, namely, through Minor Chaplains.

The designation of the person for the office of Major Chaplain shall be made after consultations with Us and Our successors, and with the President of the Republic of Chile.

ACTA, vol. II, n. 13. - 15-7-910.

Major Chaplain 34.

[*Latin ed. p. 502*]

Acts of the Apostolic See. - Official Commentary. 502. In the City of St.

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James of Chile, a chaplain shall receive a salary from the Chilean government, appropriate to his dignity, as well as a house suitable for his office, and also a salary appropriate for a priest acting as an accountant. The assistant chaplains shall assist the senior chaplain with all diligence and effort in the performance of his duties. These chaplains shall be chosen from the clergy of the Diocese of Chile, and in order that the election of those to whom they are assigned may be conducive to the good of the Catholic cause, we earnestly recommend that each senior chaplain, ever mindful of the salvation of the faithful, and of the concerns and studies of those assigned to him, shall, as far as is in his power, support, encourage, and assist them, always bearing in mind that soldiers facing extreme dangers need helpers who are endowed with all virtues. Furthermore, the assistant chaplains shall be entirely subject to the spiritual jurisdiction of the senior chaplain, who shall delegate to them, for their own benefit and at the appropriate time, the powers he deems suitable. Moreover, the senior chaplain shall have the power to appoint, discipline, and transfer assistant chaplains from one place to another, and to remove them from office, provided that legitimate reasons require it. However, before the senior chaplain nominates an assistant chaplain, or designates a person for that office to the government, he shall investigate the matter; and when the time comes to transfer an assistant chaplain, or to remove him from office, he shall inform the government of the reasons for his action. From among the assistant chaplains, one shall be chosen by the senior chaplain to serve as a general vicar. If the number of assistant chaplains, who are chosen to carry out the instructions of the senior chaplain, seems insufficient, the senior chaplain, after consulting with the government, shall increase that number. The assistant chaplains shall receive a salary appropriate to the dignity of their office, and shall also have a similar allowance, suitably adjusted to their duties, so that it may be known that they are deserving of a just pension, in accordance with their military rank and with the honorable mission entrusted to them. The assistant chaplains, when actually serving with the army, shall freely use all the faculties which the senior chaplain has delegated to them, as required by the spiritual care that the senior chaplain demands of them. However, upon arriving at their destination, they shall, within three days, show to the parish priest of that place the letters of testimonial, both concerning their priesthood and concerning their appointment and the faculties granted to them for the performance of this office. Having done so, the parish priest shall not prevent them from performing sacred duties in his parish church, or from administering the sacraments to the faithful.

[*Latin ed. p. 503*]

Acta Pii PP. X. 503: To those subject to [this authority], let all things be administered, and let them use all those faculties with which they have

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been endowed. The Major Chaplains shall be responsible for drafting laws, which both properly safeguard the ecclesiastical discipline of the Minor Chaplains, and which are clear and expeditious means for the faithful to fulfill the acts of the Catholic faith. Furthermore, let arrangements be made with the government of the Republic, so that, for those faithful who are deserving of stipends, the duties of religion may be properly reconciled with the obligations of military service, before they take effect. Moreover, let these laws be submitted for examination to this Holy See. When the office of Major Chaplain is vacant, until the appointment of a successor, the jurisdiction and faculties shall be exercised by the General Vicar. These things, we decree, we ordain, we command, declaring these present Letters to be always firm and efficacious, and to have their full and complete effect, and to fully suffice for those to whom they pertain, now and in the future, and so that in all things, they should be judged and determined by any ordinary or delegated judges, and to be void and null, if anyone, with any authority, knowingly or unknowingly, should attempt to alter them in any way. Notwithstanding any Apostolic Constitutions and Ordinances, and any other contrary things whatsoever. Given at Rome, at St. Peter's, under the Fisherman's Ring, on the 3rd of May, 1910, in the seventh year of Our Pontificate. R. L. £g S. CARD. a MERRY DEL Secretis VAL, Status. APOSTOLIC LETTERS: GRANTING INDULGENCES AND PRIVILEGES IN PERPETUITY TO THE SHRINE OF THE BLESSED VIRGIN MARY OF SORROW, COMMONLY CALLED "DELLA CORONA," IN THE DIOCESE OF VERONA. PIUS PP. X. For the perpetual memory of this matter. — Among the thoughts and concerns that we place in this highest of our offices, we consider those to be of primary importance which pertain to fostering the piety of the Christian people towards the Passion of Christ and the sorrows of the Virgin Mary. Remembering these mysteries, from which salvation has flowed to mankind, the faithful, while dedicating themselves to the divine Redeemer,

[*Latin ed. p. 504*]

50 Acta Apostolicae Sedis. - Official Commentary. The devotion of Peter and his Mother is increased by so great a sacrifice, and they are drawn more and more to the beauty of the Christian life. Therefore, with humble prayers, joined with the vote and supplication of the Cardinal Bishop of Verona, in which we were asked to deign to enrich the Shrine of the Sorrowful Virgin Mary, commonly called "La Corona," located in the extreme part of the Diocese of Verona, near Mount Baldo, with greater privileges, We have considered it fitting to grant, as far as in the Lord it is possible, a favorable hearing. And We do so all the more gladly, because the aforementioned Shrine, distinguished by the worship of religion and celebrated throughout the year with pious and frequent pilgrimages, had already been favored with particular benevolence and conspicuous graces

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by Our Predecessors, Pope Pius VI and Pope Leo XIII. Wherefore, that the piety of priests as well as of the faithful may be better served, confident in the mercy of Almighty God and in the authority of the Blessed Apostles Peter and Paul, We grant, by Our Apostolic authority, in accordance with the present document, that all and each priest, whether devoted to the same Shrine or visiting it, may lawfully celebrate a votive Mass for the seven sorrows of the B. Virgin Mary on any day of the year, except for those days on which a feast of the first or second class occurs. Furthermore, We grant, with the same authority, to the Rector of the same Shrine for the time being, and solely in his office, the faculty to lawfully bless crucifixes, either with plenary indulgence to be gained in articulo mortis under the usual conditions, or with the application of indulgences that have been granted to those visiting the Stations of the Via Crucis or Calvary in churches of the Order of Friars Minor of Saint Francis. Moreover, We decree that this power shall belong only to those who, due to infirmity or any other just cause, are legitimately prevented from visiting such stations in public churches or chapels, provided that they duly perform the prescribed acts of piety. Furthermore, the same Rector, for the time being and during his office, shall possess the faculty to bless prayerful crowns of the B. Virgin Mary in the aforementioned Shrine, with the indulgences attached, which are commonly called by the Fathers of the Crucifix Order. Finally, to all the Christian faithful, that they may contemplate the most grievous sufferings of Christ with greater fruit for their souls, We likewise grant, by Our Apostolic authority, that on any day of the year, of their own choosing, truly penitent and having confessed their sins and received Holy Communion, they may ascend the Holy Stairs of the same Shrine, intended only for prayer, with their knees bent, and offer prayers to God for the concord of Christian princes, the eradication of heresies, the conversion of sinners, and the exaltation of the Holy Mother Church.

[*Latin ed. p. 505*]

505 The Acts of Pope Pius X have granted that those who offer prayers, and do so in this manner, shall obtain all and each of the indulgences, remissions of sins, and relaxations of penances, which they would obtain if they were to ascend the Holy Stairs of the City, kneeling devoutly before each step. Furthermore, We, by Our Apostolic authority, grant to these faithful the permission to visit the aforementioned Sanctuary devoutly on any day of the year, even choosing the day at their discretion, after having been duly absolved through confession, and after having received Holy Communion, and to obtain a plenary indulgence once a year, if they pray there as described above. Finally, We grant the power that the same Stations of the Way of the Cross, as described in the Roman Missal, may be held in the aforementioned Sanctuary, and in the Basilica of the Prince of the Apostles in the City, with the necessary observances, throughout

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the year, and We grant to all the faithful that on any day of such Stations, those who visit the aforementioned Sanctuary and offer prayers to God, as described above, shall obtain all and each of the indulgences, remissions of sins, and relaxations of penances, just as if they were to devoutly visit the Station of the Vatican Basilica on that same day, provided that they have duly performed the works of piety required to obtain these indulgences. We also grant that all and each of these indulgences and relaxations of penances may be applied for the benefit of the faithful departed, as a form of suffrage, with the exception of the plenary indulgence to be obtained at the hour of death. Notwithstanding all Apostolic Constitutions and Ordinances, and all other contrary provisions. These present decrees are to be perpetually valid. Given at Rome, near St. Peter's, under the Fisherman's Ring, on the twenty-fifth day of May, in the year 1910, in the seventh year of Our Pontificate. R. L. S. CARD. MERRY DEL VAL, Secretary of State. II. TO THE MOST REVEREND FATHER JAMES QUIGLEY, ARCHBISHOP OF CHICAGO, REGARDING THE SOCIETY FOR THE PROPAGATION OF THE CATHOLIC FAITH IN CHICAGO, IN THE UNITED STATES OF AMERICA. PIUS PP. X. * Venerable Brother, greetings and Apostolic Benediction. — We have recently been informed of the constitution and activities of that fruitful Association, which a few years ago was established in your city of Chicago under the title of the Catholic Church Extension Society, for the purpose of...

[*Latin ed. p. 506*]

●i. Acta Apostolicae Sedis. - Commentarium Officiale. The accounts of the safeguarding and promotion of the Catholic faith in the United States of America have filled Our hearts with great joy and consolation. We know that in this matter, the most evident testimonies are those of Our apostolic delegate in Washington, of almost all the venerable bishops of these dioceses, and finally, of many priests and most distinguished men in ecclesiastical dignity, who, with unanimous consent, praise the institution of this society and rejoice at the opportunity afforded to you, especially praising its excellence, and the benefits that flow from it. We have also received more accurate and detailed reports from the current president of the society itself, who therefore came to this city to confer with Us about the society. Therefore, having learned of the nobility and authority of the society, which has as its goal the expansion of the Kingdom of Jesus Christ in the world, We cannot but express Our approval and Our will to support the society and all its members with singular zeal. It is indeed pleasing to recall that We were among the first patrons of this society, and that We strengthened it with the bestowal of spiritual benefits. The blessing of the Most High, which We implored upon it, has proven to be a fertile source of abundant fruits, as evidenced by the many works accomplished by the society, namely, one hundred churches or chapels built in desolate

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places; several Catholic schools founded in the territories of the Philippine Islands, based on moral and religious principles; countless works on various disciplines disseminated among the faithful of the United States; subsidies granted for the training of young men for the priesthood; a large supply of sacred vessels and objects for divine worship, which are distributed free of charge; financial assistance provided in various ways to missionary priests; and finally, a suitable and transportable chapel, built for the purpose of providing spiritual comfort to the faithful in distant and remote lands throughout this region. Regarding so many and indeed precious benefits, which extend to countless individuals, We, together with you, venerable brother, owe thanks to the supreme Giver of all good things. But it also pleases Us to encourage you, and all those individual members, to whom We owe, after God, so many and such good things, thanks to their diligent work and generous charity. If the past is a testament to the future, then it is right and fitting to expect even greater things; and We, for whom the justice of your superiors is clearly seen and understood,

[*Latin ed. p. 507*]

507 The Acts of Pope Pius X. The integrity of your vows, this is our hope, and we trust that God will favor your society, and that men will support it, so that it may achieve the desired growth in a short time. This growth, however, will be all the more rapid and beneficial, the more closely you adhere to the purpose of your Society; which purpose is to unite all your efforts and direct them solely to the good of the citizens living within these regions. We expressly commend to you the diligent observance of this purpose. We urge you to maintain it, so that not only may you benefit your citizens more, but also so that your efforts may never create any difficulty or offense, but rather constantly proceed and flourish, united in a common bond with the two universal works of the Propagation of the Faith and the Holy Childhood, from which the Catholic Church receives such valuable assistance in the fulfillment of the divine mission. Among these, we are confident that you will respond most abundantly to our expectations. We join you in spirit on these auspicious days as you approach the celebration of the first anniversary of the founding of your Society, which will be completed on the eighteenth day of the month of October. Since the occasion warrants it, and a group within your Society, with our support, requests that we offer a special pledge of both our benevolence and our particular interest in your work, we believe it is right to grant your requests with a willing heart. Moreover, we seize this happy and opportune occasion to call upon all of you, especially among your citizens, to offer assistance and charity to your Society, for the good of religion, which should be most dear to their hearts, as well as to the good of your country. We direct this exhortation above all to your venerable brothers in the pastoral ministry; we know that their help is especially to be desired and effective. Their support and encouragement

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will be followed by the active efforts of your clergy, and by the generosity of those who, by the divine Providence, along with the abundance of earthly riches, have been granted the opportunity to perform good works in a way that is both obvious and effective. As for the petition presented to us, we gladly grant the desired favor to your Society, knowing that in this city there is a Cardinal Patron whose very existence is a living symbol of this union. An accurate and faithful account of each of the works that your Society has accomplished, with God's favor, for the growth of the Catholic faith in your regions, must be rendered to him each year. Our beloved son, Sebastian, a priest of the Holy Roman Church,

[*Latin ed. p. 508*]

508 Acta Apostolicae Sedis. - Official Commentary. We designate and constitute your Cardinal Patron, Martinelli, by Our authority, for this purpose. Furthermore, in order to more assuredly guide your administration, We decree by these presents that, for the time being, this office of principal moderator of the entire Society shall remain permanently with you, venerable brother, or with your successors in the archdiocese of Chicago, with the title of Chancellor of the Society. Consequently, this supreme office will be particularly joined with the obligation of safeguarding the affairs of the Society, and, with the added efforts and assistance of all those who belong to the governing body, of prudently promoting and fostering the daily growth of that Association. Since, according to the rules hitherto observed, after the Council of Moderators, there must be a governor immediately associated with the Society, called the President, to whom, with the prudence and vigilance he provides, and with the powers granted to him, the general activity of the Society remains entrusted; We, fully aware of how important it is that the greatest weight be given to that election, reserve it to Ourselves and to the Holy Apostolic See. Therefore, We wish that the election of the President be made from among three candidates designated for this governing council, whose names will be transmitted to the City through the Cardinal Patron of the Society. Moreover, We decree that the President of the Society, so named by the Apostolic See, shall not hold office for longer than a period of five years. Finally, taking advantage of this most opportune occasion, We deem it fitting to confirm and to grant anew, perpetually, to your Association, and to all its members, benefactors, and promoters, all those indulgences, graces, and privileges already granted, especially through Our letters addressed to you on the 7th of June in the year 1907. It is indeed very dear to Us that the minds and hearts of the faithful of these regions may increasingly turn towards your fruitful Association; to these faithful, as well as to you, venerable brother, and to your clergy, We impart Our apostolic blessing, a pledge of Our benevolence and the blessings of Heaven, with abundant Christian charity. Given at Rome, near St. Peter, under the Fisherman's Ring, on the 9th of June, 1910, in the seventh year

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of Our Pontificate. R. L. S. CARD. MERRY DEL VAL, Secretary of State.

[*Latin ed. p. 509*]

509 Acts of Pope Pius X. LETTERS I. TO THE REVEREND FATHER ALFRED WILLIEZ, BISHOP OF ATREBAT, CONCERNING THE OCCASION OF CELEBRATING THE TWENTY-FIFTH ANNIVERSARY OF HIS PRIESTHOOD. Venerable Brother, greetings and the apostolic blessing. — We are accustomed to communicate with you more frequently concerning the sad events affecting the Church of France; now, however, we joyfully offer congratulations, and express our wishes with which we gladly join in celebrating the semi-centennial of your priesthood. Although we have already, in our hearts, anticipated the joy of this day, and we seemed to foretaste it when, upon receiving the news, we welcomed you with paternal benevolence among the bishops who stand close to Our Throne, it pleases Us today, at the very beginning of the solemnity, to reiterate the expression of Our love, and to share in your joys. But it also pleases Us to congratulate you simultaneously on the birth of the flock entrusted to you in the priesthood, and to commend the frequent and excellent testimonies of your piety; to congratulate you on the constancy with which, recently accused of having faithfully fulfilled the duties of religious conscience, you have proved yourself a staunch defender of the rights of the Church, and truly worthy and equal to the other bishops of France, whom, for having also undertaken the defense of the same institution from childhood, we lament and rejoice, and who have clearly demonstrated examples of fortitude before all. May this day be auspicious for you, may it be blessed; and may, as the days of your priesthood, once begun, progress, "let your youth be renewed like the eagle's," so that, with unimpaired strength, whatever the future may hold for the Catholic cause in France, you may always be ready and, with an unwavering spirit, overcome all obstacles. In the meantime, We impart to you, Venerable Brother, and to the clergy and the people of your diocese, who love the Lord so dearly, the apostolic blessing, as a pledge of divine favors and a sign of Our benevolence. Given at Rome, near Saint Peter's, on the twenty-third day of May, in the year 1910, in the seventh year of Our pontificate. PIUS PP. X. II. TO THE REVEREND FATHER WILLIAM VAN DE VEN, BISHOP OF BUSCODUCENSE. Venerable Brother, greetings and the apostolic blessing. — Although I would not, for your modesty's sake, speak of the fiftieth anniversary, which...

[*Latin ed. p. 510*]

510 Acta Apostolicae Sedis. - Official Commentary. The Clergy and people of your diocese publicly celebrate the joys of your office; however, you cannot prevent the fervor of their studies from appearing, by which they rightfully pursue you for your merits. For we know that during these eighteen years in which you have governed the Church of Buscoducensem, you

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have done nothing that does not pertain to the glory of God and to the eternal salvation of men; and it has been through your vigilance, prudence, or diligence that this diocese has almost been spared from the plague of Modernism; and that all kinds of lay associations, especially those of workers, have flourished here, with Religion as their guide and teacher; and that, through the frequent use of the most holy Eucharist, the beauty of Christian life has daily blossomed more widely among the people. All of this brings forth both the gratitude and affection of your children, and our special benevolence. Therefore, we gladly add our prayers and wishes to those of your pious people: and, looking forward to divine blessings, we impart to you, Venerable Brother, our most loving apostolic blessing. Given in Rome, at St. Peter's, on the 23rd of May, 1910, in the seventh year of Our Pontificate. PIUS PP. X.

To the Most Reverend Father James Radini-Tedeschi, Bishop of BERGOMENSEM, concerning the Diocesan Synod. Venerable Brother, greetings and apostolic blessing. We are well aware of the diligence of your pastoral office; therefore, it is not surprising that, if it pleases Us, you have recently held a diocesan synod, after a space of almost two centuries. We have also long known of the piety and faith of you and your clergy towards Us; but we have received with a grateful heart your letter, in which you have so studiously testified to this. Indeed, in these great anxieties, in which we are afflicted not so much by the harshness of enemies who attack the Holy Church from all sides, as by the stubbornness and recklessness of some of our own, we have received some timely comfort from your letter, if from it we understand that it is always your greatest concern to faithfully fulfill the duties for which you have been called; and therefore, that you diligently carry out, as you are accustomed to do, those things which have been prescribed by Us concerning the integrity of the Catholic doctrine, the institution of the priestly life, and the promotion of Christian worship among the people. Therefore,

[*Latin ed. p. 511*]

Acts of Pope Pius X, 511: We give thanks for this pleasant service, and also for the contribution which you have piously made to support the needs of the Apostolic See. At the same time, we pray to God that He may reward you for your efforts, so that you may be able to strive effectively for the salvation of yourselves and of many others; and we bestow upon you, and first of all upon you, Venerable Brother, our apostolic blessing, with particular affection. Given in Rome, at St. Peter's, on the 23rd of May, 1910, in the seventh year of Our Pontificate. PIUS PP. X.

To the Reverend Father Ferdinand de Croy, Apostolic Notary, concerning the publication of the "Bulletin Paroissial."

Beloved Son, greetings and our apostolic blessing.

To devote oneself to the writing of articles or pamphlets, by which Chris-

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tian wisdom may be made clear to the common people and the Catholic religion defended, is not only opportune today, but absolutely necessary, since so much light is shed upon the people by writings hostile to the Catholic religion. Recognizing this, you, together with other distinguished men from the diocese of Tournay, have wisely consulted about the needs of your people, and you are publishing, as you have already done, a monthly pamphlet, called the "Bulletin Paroissial." We see that this publication is well suited to reach those many people who are separated from the sacred traditions of the Church, and to instill in them the precepts of Christian doctrine, which they do not hear from the mouth of priests. Therefore, we highly praise and approve this work, and we urge you to persevere in it with zeal, as you have begun. We bestow upon you, beloved son, and upon all those who, under your leadership, are working in this matter, our most affectionate apostolic blessing, as a sign of divine favor and a witness to our paternal benevolence.

Given in Rome, at St. Peter's, on the 24th of May, 1910, in the seventh year of Our Pontificate. PIUS PP. X.

[*Latin ed. p. 512*]

512 Acta Apostolicae Sedis. - Official Commentary. TO THE MOST REVEREND ANDREAS S. R. E. CARDINAL FERRARI, ARCHBISHOP OF MILAN, AND OTHER BISHOPS OF THE SAME PROVINCIAL CHURCH, CONCERNING THE CELEBRATION OF THE MEMORY OF SAINT CHARLES BORROMEO. Beloved Son and Venerable Brothers, greetings and apostolic blessing. — Although you grant no one an exemption from pastoral care or from obedience to the Apostolic See, it is fitting that you should be praised for both, as you prepare to celebrate the solemn memory of Saint Charles Borromeo: who, indeed, was wonderfully devoted to the service of Jesus Christ and concerned for the salvation of souls. This we have learned from your letters, which you recently, as is your custom, sent together from Rho to Us, and we are most pleased to learn it. Therefore, as we perceive that you are more vigilant in guarding against the insidious influence of Modernism, more diligent in instructing the faithful in sound doctrine, more zealous in defending the rights and upholding the authority of the Apostolic See, and, finally, more devoted to preserving the integrity of the discipline of the Church, we already foresee how fruitful your episcopate will be for those dioceses. In the meantime, under the patronage of the blessed Charles, we earnestly pray that divine grace may be abundantly bestowed upon you, beloved Son and Venerable Brothers, and we impart to you and your flocks the apostolic blessing in Rome, near Saint Peter, on this sixth day of June, with all our paternal love. Given in the year 1900, the seventh year of Our Pontificate. PIUS PP. X. TO THE REVEREND FATHER IGNATIUS, PATRIARCH OF ANTIOCH OF THE SYRIANS. Venerable Brother, greetings and apostolic blessing.

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— We have gladly read the letter which you and the Venerable Brothers who were with you, convened for the common affairs of your dioceses and for the salvation of the dissenting Jacobites, sent to Us. We know that you approached the matter with excellent preparation, having devoted yourselves to spiritual exercises, and that you are skilled in deliberation, that is, accompanied by fraternal charity. And truly, we rejoice beyond measure that, with the obstacles removed, the old concord of minds has been restored among you and your controversies have ceased. You...

[*Latin ed. p. 513*]

Acta Pii PP. X. 513: "But continue to advance the kingdom of Jesus Christ in these regions, and to defend and promote it, as you are doing, and be certain that We will not fail you, either in counsel or in aid, as far as Our ability allows. In the meantime, as a pledge of divine favors and a witness of Our benevolence towards you, Venerable Brothers, and your flocks, We impart with paternal affection Our apostolic blessing. Given in Rome, at St. Peter's, on the 8th of June, 1903, in the seventh year of Our pontificate. PIUS PP. X. VII. Given at the Vatican. July 1st. S. R. E. CARD. BOSCHI, ARCHBISHOP OF FERRARA AND BISHOP OF COMACLENSEM, AND OTHER ARCHBISHOPS AND BISHOPS OF THE REGION OF FLAMINIA, AFTER A MEETING HELD IN BONONIA. Beloved Sons and Venerable Brothers, greetings and apostolic blessing. — Those who, a few days ago, were gathered in Bononia, as you are accustomed to do each year, and offered prayers for Our well-being, gave Us great joy, especially since on that very day they expressed the joy that the anniversary brought, namely the anniversary of Our birth. And this all the more because you gave fuller expression to the sentiments of your hearts, both in the excellent judgment you expressed regarding those matters which We recently brought to light in Encyclical letters, concerning the most holy example of Bishop Charles, for all Our brothers in Christ, and also in the eagerness with which you promised to carry out those things for which We urged you. May God grant that the wonderful examples of pastoral care and remarkable prudence with which Charles so greatly illuminated and benefited the Church, may remain imprinted in the minds of all bishops, so that they may not only be inspired by admiration, but also be encouraged to imitate them. This is what We most desire, and as far as We are able, We strive through teaching, exhortation, and instruction, and with fervent prayers to God. Let Our efforts not be wanting to you. For the same applies to Us and to you, those very grave words of Paul: "For they watch as those who must give an account for their brethren for their souls." But these things, Brothers, We write to you not to add any spur to your zeal, which We have seen to be quite sufficient; but rather to add a new testimony of Our paternal love for you. May your active charity increase day by day, and may the Apostolic Blessing, as a pledge of divine favors and a witness of Our benevolence, make it more abundant,

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which We impart to you all, beloved Sons and Venerable Brothers."

[*Latin ed. p. 514*]

Acts of the Apostolic See. - Official Commentary. 514 Brothers, and to each of you, we impart our paternal blessing to the clergy and the people. Given in Rome, at St. Peter's, on the fourteenth day of June, in the year 1910, in the seventh year of Our Pontificate. PIUS PP. X.

I. NOMINATIONS OF BISHOPS.

His Most Holy Lordship, Pope Pius X, by decree of the Sacred Congregation Consistorial, has appointed:

June 23, 1910. — The Reverend Adulphus Venienti, formerly Ordinary of the united archpresbyteral churches of Alti Muri and Aquae Vivae, belonging to the archdiocese of Brundusium, and most recently of Barensi, in the province, to be titular Bishop of the church of Calyndensis (Calynda).

June 30, 1910. — The Reverend Father Peter Armengaud Valenzuela, General Master of the Order of the Most Blessed Virgin Mary of Mercy, to be Bishop of the cathedral church of St. Charles of Ancud (S. Carlo di Ancud) in the Republic of Chile, in South America.

July 4, 1910. — The Reverend Father Patrick Finegan, parish priest of Ballinamore, to be Bishop of the cathedral church of Kilmorensis (Kilmore) in Ireland.

July 4. — The Reverend Father Joseph James Irala, formerly Bishop of the cathedral church of Chachapoyas, to be titular Bishop of the church of Tingitana (Tingis).

Furthermore, the same Most Holy Lord commanded that letters Apostolic be dispatched under seal for the proper execution of these matters.

II. ERECTION OF A DIOCESE.

His Most Holy Lordship, Pope Pius X, by decree of the Sacred Congregation Consistorial, has erected:

July 7, 1910. — The episcopal see of Caliensem (Cali) in the ecclesiastical province of Popayanensis (Popayan) in the Republic of Colombia.

Furthermore, the same Most Holy Lord commanded that letters Apostolic be dispatched under seal for the proper execution of these matters.

[*Latin ed. p. 515*]

Sacred Congregation of Councils. 515 Sacred Congregation of Councils of Granada. CONCERNING THE PROCESSION ON THE FEAST OF THE MOST HOLY BODY OF CHRIST. 1. The Most Reverend Archbishop of Granada presented a petition to His Holiness Pope Pius X, the contents of which are as follows: "Most Blessed Father. - Joseph, Archbishop of

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Granada, in Hispania, humbly prostrates himself before Your Beatitude and declares: 'a) In this beloved city of Granada, a solemn procession is celebrated on the feast of the Most Holy Body of Christ, and it is prescribed in the Diocesan Synods that, from all the parishes of the city, which number thirteen, parochial crosses, along with the clergy and faithful, participate with devotion. 'b) Furthermore, although it is literally deduced from the context of the Synodal Law that the participation of other parishes is prescribed, from the neighboring city of Vega and Sierra, which consists of twenty-eight parishes, it is also evident that, from the desire of the Catholic Kings, who wonderfully restored the religious and civil life of this region after the Moors were overthrown, and also from the annual mandate of the Ordinary, it has been ordered that the splendor of the procession of the Apostolic and Metropolitan Church of Granada be increased. 'c) When I, for the first time, attended the aforementioned procession of the Most Holy Body of Christ, I observed that the pastors of the city did indeed participate, but that twenty-one were absent from the parishes of the neighboring territory of Vega and Sierra, alleging distance, illness, and the inconveniences of the journey, a situation which has been repeated in other years. 'd) Upon inquiring whether these non-participating pastors had celebrated the feast and procession of the Most Holy Body of Christ on the proper Friday, the answer was negative, from which it is publicly known and evident that the majority of them neither participated in the procession of the Metropolitan Church, nor did they celebrate the procession or the feast in their own parish on any day. 'e) I, understanding that after the devastation by the Moors, the small towns were very difficult to serve, and that it was difficult to celebrate religious functions solemnly, but that now, because they have multiplied and become very extensive, there is no difficulty, and that the people desire it, have decided that..."

[*Latin ed. p. 516*]

/ 516 Acta Apostolicae Sedis. - Official Commentary. "That the general law of the Church be observed, namely, that urban parishes "assist, but those outside the city, instead of participating, celebrate Mass and the "procession in their own church, which has brought great joy and approval to the "people for two years now. "f) Now, however, the Municipality of the City of Granada requests that the "ordinary arrangement be revoked, and that the parish churches outside the city "assist, along with the pastors, in the procession of the Metropolitan Church, but "with the difficulties that prevent the parishes from assisting, it is certainly to be "feared that they will again fall into disobedience. "Considering these matters, the Archbishop was asked: 1. ° Whether his "regulation for celebrating the feast of the Most Holy Body of Christ in all "parishes with a procession on Thursday, according to the Bull of Urban IV in the "year 1264, and confirmed by the Supreme Pontiffs Clement V, Martin V, and "Eugene IV, should be

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maintained, abolished, or modified, and in what sense. 2. ° Whether it is sufficient for the parishes outside the city to celebrate the "feast and procession of the Most Holy Body of Christ on Sunday within the "Octave, or on any day of the Octave. 3. ° Whether it is sufficient for the "parishes of the City to participate in the procession of the Metropolitan "Church, or whether it would be more appropriate to restore the ancient "practice, by virtue of which they not only assisted in the praised procession, but "on other days of the Octave, each celebrated its own particular procession, as is "done in some dioceses. 4. ° Whether the practice introduced by the "Convent, or University, of Parish Priests, of celebrating a short procession on "Sunday within the Octave, which procession the undersigned has amplified and "increased, by attending and carrying the Most Holy Sacrament with his own "hands, to increase the worship of the Divine Eucharist, should be approved. "He desires that all things pertaining to the divine worship be done properly. "Granada, on March 20, 1909. "L. £g S. - B. V. H. Joseph, Archbishop of Granada." To obtain an adequate solution to these questions, and to avoid that this labor be in vain, it will not be out of place to set forth in advance the canonical-liturgical principles regarding processions in general, and that of the Most Holy Body of Christ in particular. The Council of Trent (session XXV, cap. 13 de Regno) states: "All are exempt, whether secular clergy or regulars, and even monks, who are "called to public processions, from..."

[*Latin ed. p. 517*]

517 Sacred Congregation of the Council. "Unless those who perpetually live in strict enclosure." Therefore, all are obligated to attend public processions, except those who perpetually live in strict enclosure. It is required, firstly, that the Bishop announce the procession, and secondly, that it be a public procession. The Sacred Congregations of Rites and the Council have authentically declared this in their responses. Indeed, in a decree (Elboren, January 14, 1617, no. 346), the Sacred Roman Congregation decreed: "The Archbishop has the power, with respect to others in his diocese, to order public processions." (Cf. Urbevetan, January 17, 1606, no. 217). The same Sacred Congregation, together with the Sacred Council, established this other general principle: "Bishops are to order, decree, direct, and conduct processions, only with the advice of the Chapter, and not with its consent. And this must be observed in all processions." (Elboren, March 28, 1626, no. 394). (The same principle was established by the Sacred Council in Derthusen, March 11, 1619) (cf. Pallottini, Vol. X V, v. Processiones, no. 3). This concerned processions that were to be established anew and perpetually, and those that were to be held only once for a public cause, and not processions commanded by common law. Moreover, even contrary custom does not apply (Sacred Council, Sarnen, June 22, 1619, lib. 12 Decretor., p. 13). Also, in the absence of the Bishop, it pertains to the General Vicar (Sa-

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cred Roman Congregation, Vigilien, September 28, 1630, no. 545). Finally, the Ordinary can compel even the exempt to attend processions, using the remedies of law. For in this matter, the exemption ceases, and all are simply subject to the jurisdiction of the Bishop, and therefore the Bishop can coerce them with a canonical penalty that he deems fitting, even with excommunication. A fortiori, he can compel the clergy under penalties. The reasons for this are the due honor of the sacred things, the edification of the people, and other reasons commonly adduced. The other condition is that the processions be public. We are taught by the decree of Urban VIII, in the year 1628, which of these processions even the exempt members of the Congregation are obligated to attend, and its words are as follows: "Having heard... unanimously they judged that Bishops can compel with penalties that they deem fitting, any regulars refusing, even monks and those in any way exempt, to attend the following processions, and to participate in them, except only those who live in strict enclosure, and monasteries, beyond a distance of one Roman mile." (Cf. Sacred Council, Episc, in Caietan, October 25, 1602; Sacred Council, July 27, 1627; in Mediolanen, August 3, 1658; PIGNATELL, Cons. Can. T. III, no. XLVI, nos. 11, 12, 13. - STEPH. GRATIAN, Decis. 232, no. 15, in Curia Ep. Papien. etc. ACTA, vol. I I , no. 13. — 15-7-910. 35).

[*Latin ed. p. 518*]

Acta Apostolicae Sedis. - 'Official Commentary. 518 "in the presence of the city; namely, on the feast of the Most Holy Body of Christ, in the Litanies " maiores," in Rogations, and in all other public and customary processions, or those instituted by Bishops for the good, cause, or public honor, notwithstanding, etc., only those privileges granted by the Holy See and the subsequent Council of Trent are suspended" (Pignatelli, vol. 1, Canons, Canon 122). From this, we also learn that the Bishop can compel the clergy to participate in extraordinary processions as well. This decree is in harmony with many decrees of the Holy Roman Church, e.g., Matheranen, no. 259; Ferrarien, no. 272; Chilen, no. 282, Sorana, 878, ad 1, etc., and the unanimous opinion of the Doctors. However, although the Bishop can compel the clergy, whether secular or regular, to participate in public processions, this must be understood with some limitation. And, setting aside those matters that do not pertain to our case, e.g., concerning Regular clergy, who are almost all privileged, and religious residing in colleges of study, it is an established principle of this sacred forum, confirmed by the very Urbanian decree, that Regular clergy residing beyond the middle mile from the city are not obligated to attend. The Doctors hold the same opinion regarding all secular clergy. Concerning the matter of Pallottini (Vol. XXV, v. Process., no. 30): "Nor are secular clergy residing outside the city or town included in the Tridentine decree, unless they are part of the proper population, according to the opinion of the Holy See, as testified

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by Campani, in div. iur. can. rub. 12, c. 13, no. 117, and throughout, the Doctors affirm: and even more so, when the length of the journey and the roughness of the roads are considered, a distance of only 500 paces from the walls of the town or city is sufficient to exempt rural clergy, even those who have care of souls, from being required to attend public processions that are customarily held there, as noted by Fagnan, in cap. Nimis XVIII, de excess. Prael., no. 11, and the Holy See has responded accordingly, as reported by Piasec. in prax. Episc. p. 2, c. 3, no. 31." "Therefore, those who are more than the middle mile distant are certainly not obligated to attend processions (S. C. C. in Caesenat. 1592, lib. 7, Decr. p. 35. Montis Regal. a 1601, lib. 9, p. 134-7. - Aliphan. 20 July 1678, lib. 29, p. 110). Ibid., no. 31." "However, as Pallottini teaches (no. 35), this must be understood in the case where there is no legitimate custom to the contrary, as declared by the Holy See in Strongolen, 17 June 1645, lib. 17 decr. p. 483: indeed, even beyond the mile, as Matteucc states, de Offic. Cur. Eccl., c. 4, n. 8." Indeed, Pope Gregory XIII made an exception for those Regular clergy whose monasteries are located more than the middle mile from the city, as is noted in the public book of the Holy See concerning this chapter, 17 (Ap. CATALAN., Rit. Rom. illustr., tit. IX, n. XXIII.

[*Latin ed. p. 519*]

Sacred Congregation of the Council. 519 Therefore, only the Bishop, or, in his absence, the General Vicar, has the right and the duty of ordering, regulating public processions, that is to say: for the public good or cause; whether ordinary or even, (with counsel, but not with the consent of the Chapter) extraordinary, whether they are first instituted to be observed perpetually, or only for a single occasion; and moreover, he has the right to obligate even those (in other respects) exempt from his jurisdiction to participate, provided they are not privileged, and to compel those who are reluctant through penalties that he deems fitting; indeed, he can compel even those who are accustomed to it, which he can also do through censures. But he cannot abolish customs outside the city, beyond a distance of a mile, unless, that is, he can abolish them. The custom itself, if it appears to be legally valid in the eyes of the Lord, derives its force from the consent of the legislator, who in this case is the Bishop himself. These principles have full force with regard to public, general, ordinary or extraordinary processions, which the Bishop wishes to order; but they do not apply to processions, even if ordinary, which are by common law, but which are not general for the entire clergy, but are particular to some Church. Furthermore, there is no general law that obliges all and each parish to hold ordinary processions, and a fortiori, the procession of the Most Holy Body of Christ, for which more is required to be carried out properly and decorously, as is evident. There is indeed no law obliging, as we shall see shortly, but also no law prohibiting; rather, it is free for each Church, even without

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the Bishop's permission, to hold a particular procession from the ordinary ones, if it can be conveniently done (QUARTI, on processions; DE HERDT, Sacred Usage in Practice, vol. 3, no. 314). Other customary processions can also be held publicly without the Bishop's permission, although he can prohibit them, even in spite of custom (S. R. C, no. 346, 2). However, the Bishop has the right to order ordinary public processions to be held by each parish if he judges it expedient in the Lord (QUARTI, ibid., section III, p. 1); and this is derived either from the nature of the episcopal power, or from the intention of the law, provided that the processions, especially those of the Most Holy Sacrament, can be carried out conveniently and decorously, which is left to the prudent judgment of the Bishop. And this is sufficient regarding processions in general; now, some things must be said about the procession of the Most Holy Body of Christ and its feast. The feast of the Most Holy Body of Christ was first instituted in Liège in the year 1246 by Robert de Thorete, Bishop, after revelations divinely given to Blessed Juliana Cornelionen, Virgin. James Pantaleo of Troyes, who, while he was Archdeacon of Liège, had approved Juliana's revelations, who later became...

[*Latin ed. p. 520*]

Acts of the Apostolic See. - Official Commentary. 520. The Bishop of Virodunen and the Patriarch of Jerusalem, who, finally, in the year 1261, became the Supreme Pontiff under the name of Urban IV, received the prayers of the Bishop of Leodium, which, made more efficacious by a miracle at Bolsena in the year 1262, and in the month of August in the year 1264, issued the Bull *Transiturus*, by virtue of which the Feast of the Most Holy Body of Christ was instituted and obligatorily extended to the entire Church. But scarcely had this Bull been promulgated, when Urban entered the path of all flesh, and the feast was not everywhere received. In the year 1311, Clement V, in the Council of Vienna, issued the Bull *Si Dominum*, in which he included the Bull *Transiturus*, and his successor, John XXII, took care of its fuller execution. Martin V, through the Bull *Ineffabile* (VII Kal. Junii, 1429), amplified the indulgences, and was the first to speak of processions on this feast, although without an expressed precept: "Furthermore," he said, "those who, in processions in which the vivifying Sacrament itself is carried on this feast, shall have followed continuously, etc." Eugene IV, through the Bull *Excellentissimum* (VII Kal. Junii, 1433), doubled the indulgences granted by Martin V. Therefore, no universal precept is found in these Bulls concerning the making of processions on this feast. Moreover, theophoric processions had been carried out for several centuries in particular churches or monasteries, especially during the octave (cf. V. Canon IV, Council of Braga, from 675; Lanfranc, *Statuta Monastica*, during the heresy of Berengar; *Ordinarium Rothomagensis*, etc.). With the special institution of the Feast of the Most Holy Body of Christ, it was natural

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for processions to be introduced on this day out of devotion, and there are many monuments of this already from the 14th century. However, the Sacred Council of Trent, in Session XIII, held on October 11, 1551, speaks of it as if it were introduced only by custom, in the 16th century. Indeed, in Canon VI, it is said: "If anyone, in the Sacrament of the Holy Eucharist, does not carry Christ... nor, according to the laudable and universal rite and custom of the Holy Church, solemnly carry Him around in processions, etc." Nevertheless, even at the end of the 16th century, a general precept was still lacking. Indeed, in the *Roman Pontifical* of Albert Castellani, O.P. (edition of Venice, 1564), the procession of the Most Holy Body of Christ is listed among the extraordinary processions (which are "instituted for various needs"), and it is read: "On the Feast of the Most Holy Body of Christ, a general procession is held" (p. 267). Since it is listed among the extraordinary processions, it was not considered obligatory for the entire Church. Moreover, this universal custom, which existed in many particular churches,

[*Latin ed. p. 521*]

Sacred Congregation of the Council. 521 The law, already established for churches, was confirmed for the entire Church when, at the end of the 16th century and the beginning of the 17th century, it was inserted in the liturgical books, the *Caeremoniale Episcoporum* and the *Rituale Romanum*. The *Caeremoniale Episcoporum* (lib. II, c. XXXIII) prescribes a procession, but only for the Cathedral; it states: "That the procession which is to be held on this day may be performed properly and correctly, and according to the due ceremonies, in honor of so great a Sacrament... it is the duty of the Bishop, etc., also to have a scroll made, in which... all those who are accustomed to attend this [procession] or ought to attend, are described." From the entire context, no mention is made of other churches that are not cathedrals. The *Rituale Romanum* (tit. X, c. I, § 8-9) distinguishes, as does the Roman Pontifical, between ordinary and extraordinary processions, among the ordinary processions, but it does not indicate a general precept, but rather assumes custom. It states: "n. 8. Some processions are ordinary, which are held on certain days of the year, such as... on the feast of the Body of Christ, or on other days according to the custom of the churches; n. 9. Some, however, are extraordinary, such as those which are announced on certain days for various and public reasons of the Church." From these rubrics, the Holy Fathers and Doctors unanimously conclude that on the feast of the Most Holy Body of Christ, the procession is obligatory in the Episcopal city, and that it is the only one to be announced by the Bishop with the participation of the entire clergy, and that other churches in the same city cannot hold processions on the same day (cf. S.R.C., Toscanella, August 19, 1619, n. 375). It is unnecessary to explain why only one procession should be held on this day, as the reasons are

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evident. This law, as is clear, is to be observed as long as the circumstances of the place and time permit. It was observed in the City [of Rome], and it is observed in Granada. With these premises, some things must be noted regarding what is explained by the Most Reverend Archbishop of Granada in a certain document. The Most Reverend Archbishop testifies that 1.°, by a synodal law, the urban parish priests are to participate in the procession of the Most Holy Body of Christ, holding their crosses, which is entirely correct according to the *Caeremoniale Episcoporum*. 2.°, he testifies that, not only by the synodal law, but also by an annual mandate of the Ordinary, the same is also communicated to the parishes: "according to the words of the neighboring Sierra and Vega, according to the desire of the Catholic Kings, etc." The same Archbishop explains that these same parish priests not only did not participate, but also did not lead a procession in their churches on the feast, nor during the octave.

[*Latin ed. p. 522*]

522 Acta Apostolicae Sedis. - Commentarium Officiale. Sicut vidimus, nulla est lex generalis paroecias obligans. Rmus Archiepiscopus, omnes circumstantias perpendens, mandavit ut processio SSm Sacramenti in festo Corporis Christi in unaquaque ex supradictis paroeciis extra-urbanis fieret. Sicut vidimus, nulla est generalis Ecclesiae lex hoc praecipiens, sed episcopali auctoritate, circumstantiis rite perpensis, potest induci. Verum Municipium Granatae id aegre fert, et postulat ut hoc Episcopi mandatum revocetur. Licet laudabile et pium sit municipalis auctoritatis votum, attamen in casu non videtur rationabile, nec in praxim facile deducendum. Exces¬ sive enim durum esset omnibus illis parochis (nisi forte uno vel altero excepto) plura passuum millia in eundo et in redeundo peragere. Oppida et plebes singulae sine parocho per integrum diem festum, et quidem solemnissimum, remanere deberent, fortasse quoque cum animarum iactura ob sacramentorum administrationis carentiam. Absurdum denique est vel mente concipere populos tam dissitos posse vel velle Gra¬ natam accedere. Quaestionibus itaque propositis: I. An ordinatio Revmi bus extraurbanis paroeciis sit sustinenda? II. An nem SSmi vel Archiepiscopi festum Corporis omnibus extra urbanis celebrare festum et processio Christi in Dominica vel alio die intra octavam? Sufficiat Metropolitanae, celebrandi in Christi abroganda? Sufficiat paroeciis III. An Granaten. SSmi Corporis ut paroeciae expediat civitatis instaurare modo assistebant huic processioni, sed suam celebrabat particularem assistant processioni Ecclesiae antiquam in aliis processionem, praxim, vi cuius non diebus octavae unaquaeque ut in aliquibus dioecesi- bus fit? IV. An dicta approbanda Parochorum, introducta praxis celebrandi brevem a Conventu, processionem seu in octavam, quam processionem Archiepiscopus amplificava et et sua manu charistiae deferens SSmum Sacramentum, ad Universitate Dominica infra auxit, augendum assistens divinae Eu- cultum? Emi Patres S. Congrega-

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tionis Concilii in generalibus comitiis diei 11 Iunii 1910, respondendum censuerunt: Ad l. um Affirmative ad primam partem, negative ad secundam. Ad um Provisum 2. Ad 3. um et 4. um in primo. Rem remitti prudenti iudicio Archiepiscopi. Sanctissimus autem Dominus Noster Pius Papa" X, in Audientia.

[*Latin ed. p. 523*]

523. The Holy Congregation of Religious Orders, on the 12th of the same month of June, having been granted, deemed it fitting to approve and confirm the judgment of the esteemed Fathers. Cardinal Gennari, Prefect. Basilius Pompili, Secretary. CONCERNING THE PUBLICATION OF THE DECREES OF THIS HOLY CONGREGATION. The Apostolic See, deeply concerned with promoting perfection among Religious Families of both sexes, has published numerous and salutary laws, by which certain things are prohibited, certain things are prescribed, regarding the entrance of members, the institution, the vows, the studies, the regulation of external life, and other matters of this kind, in order to properly govern them. Among these laws, some are of such importance that, if not observed, certain actions are invalid, others are subject to ecclesiastical penalties, and all are at least illicit. Often, it happens that what the Apostolic See has wisely established does not reach the knowledge of all Congregations or Houses of Religious, especially of nuns, precisely because of the benefit of these laws. Thus, for example, it is necessary to mention the Decrees: *Singulari quidem*, March 27, 1896, concerning investigations; *Perpensis*, May 3, 1902, concerning the three-year trial preceding solemn religious profession; *Quemadmodum*, December 17, 1890, concerning the examination of conscience; *Sacra Tridentina Synodus*, December 20, 1905, concerning frequent Communion; *Inter ea*, September 7, 1909, concerning debts to be contracted; *Ecclesia Christi*, September 7, 1909, concerning certain individuals who are not to be admitted into religious families; *Sanctissimum*, January 4, 1910, by which the preceding decree is extended to religious families of women, and others. Therefore, this Holy Congregation, entrusted with the affairs of Religious Societies, earnestly recommends to the Most Reverend Ordinary and their Delegates or Representatives in monasteries, especially those of nuns, which constitute a house of their own jurisdiction and do not have a general Superior, that they effectively disseminate knowledge of the Decrees, even those to be published in the future, which concern religious life, among Religious Families and Institutions.

[*Latin ed. p. 524*]

Acts of the Apostolic See. - Official Commentary. 524, also to safeguard the diocesan [structure], to remedy any abuses that may arise, to promote the common good more widely, and to ensure uniformity in the observance of canonical matters everywhere. Given in Rome, from the Secretariat of the

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Sacred Congregation for Religious Orders, on July 3, 1910. Fr. I. C., Cardinal Prefect. VIVES, L. £B S. F., SACRA Cherubini, ROMANA, Under-Secretary. ARGENTINE ROTAL NULLITY OF MARRIAGE - (BLEVE - SAPORITO). Under the blessed reign of Pope Pius VII, on March 22, 1910, in the matter of the marriage between Camillus Bleve, represented by the procurator Joachim Antonelli-Costaggini, and Concepta Saporito, with the Defender of the Bond, Ioannes Prior, Aloysius Sincero, Ponens, Ioseph Mori, as Auditors, in the cause of their litigation, intervening ex officio, the following judgment was delivered. The present cause was previously debated before the Ugentine Court, which, with a judgment dated April 25, 1908, declared the marriage to be null. Appealing against this judgment, the cause was brought before this Sacred Tribunal under the following question: Does the nullity of the marriage exist in this case? According to the records of the Parish Church of Tricasii, in the year one thousand eight hundred and eighty-six, on the twenty-third day of September, after previous announcements made on successive feast days, and without any legitimate impediment being detected, the Reverend Noè Summonte, Rector of the Parish Church of Tricasii, questioned Camillus Bleve and Concepta Saporito, both of that Parish, in the Parish Church, and, with their mutual consent expressed in words, solemnly joined them in the present marriage, in the presence of the witnesses Hypatio Viva and Vito Fracasso, also of that Parish. The marriage had an unhappy outcome, and in the year 1906, a cause concerning its nullity was begun. Meanwhile, in the year 1890, Concepta Saporito entered a new...

[*Latin ed. p. 525*]

The Roman Rota. In case 525, marriage was contracted before the Church, in the city of Palermo, which is quite remarkable. The validity of this marriage is challenged on three grounds: 1. That it was not a marriage in the present, but only betrothal for a future marriage; 2. Due to the lack of witnesses, as required by the Council of Trent; 3. Due to the lack of a present condition attached to the marriage, or due to the lack of consent due to error of person. However, the lack of consent due to error of person, or due to a condition attached, which the plaintiff alleged to have been imposed, is certainly not proven. For this condition, which the plaintiff claimed to have imposed, that the woman, or bride, was wealthy, of noble birth, and of good morals, is not at all proven, is highly improbable, and finally, it cannot be reconciled with the intention, as the groom himself stated, of giving all his goods to his bride.

Indeed, the fact of the marriage celebrated between Camillo Bleve and Concetta Saporito before their own parish priest, is not at all doubtful. For the circumstances which are normally present in a marriage duly celebrated before the Church, and which are entirely present in our case, are all present. It is clear from the documents preserved in the archives of

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the diocese of Ugentina that a single publication of banns was made in the parishes of the bride and groom, after obtaining a prior dispensation from others, that a certificate of the free status of the "parties" was presented, and that a decree, which is commonly called "contrahentur," was issued by the Curia. Afterwards, the bride was led to the home of the groom in a festive procession, and they began to live together, and their union was considered by public opinion as a legitimate marriage. The marriage was also recorded in the book or registry of marriages of the parish, and although this record was less accurate, and not signed by the priest and the witnesses, it could not be explained if the celebration of the marriage had not actually taken place. The main witnesses to this fact, and to the public knowledge of the marriage, are Father Antoninus de Notaris, Father Vitus Giaccari, the parish priest of the town of Marciano, or the groom's own parish priest, Father Peter Dell'Abate, the current parish priest of the town of Tricase, and directly or indirectly, also De Mitri, Marra Santa, the archpriest De Filippis, and the priest Ponzetta, and indeed, the plaintiff himself.

Given these circumstances, it should be noted that "marriage enjoys the favor of the law," as expressly stated in the last chapter on Conditions. This favor of the law consists in the fact that once a marriage has been celebrated, it must always be considered valid, unless its invalidity is fully proven. "It is more tolerable..."

[*Latin ed. p. 526*]

Acta Apostolicae Sedis. - Official Commentary. "For it is the case," says Innocent III (in chapter 47, *De Testibus*), "that some are dismissed from unions contrary to the laws of men, whereas legitimate unions contrary to the laws of God ought to be dissolved." Therefore, the principle: "In cases of doubt, one must rule in favor of the validity of the marriage, which holds in both forums, and all the more so when it concerns the marriage of the faithful, since it is a sacrament." Thus, Gasparri, *De Matrimonio*, I, n. 227. Therefore, the distinction between a doubt of law and a doubt of fact cannot apply in judgments concerning the nullity of marriage, in the sense that in a doubt concerning some point of law, namely, some law itself, the marriage should benefit from the presumption of validity; whereas, in a doubt concerning some fact, or some point that pertains to the facts, the marriage should not benefit from the presumption of validity. Nor can the Instruction to the Vicars Apostolic of Central Oceania, issued by decree of the Sacred Congregation of the Holy Office, December 4, 1872, be invoked. For it teaches: "Although it is sometimes fitting to depart from this principle (that in cases of doubt, one must rule in favor of the validity of the marriage), namely, when the question concerns a fact, namely, whether the marriage was ever contracted or not, nevertheless, even in this case, one should not hastily proceed to the contrary principle." For here we are

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dealing with the fact of the celebration of the marriage, namely, whether the marriage was ever contracted or not, and with the particular circumstances of certain places. Indeed, in our case, there is no doubt about the fact of the marriage being celebrated. Therefore, the opinion of the Court of Ugentine, which declared that the present marriage "must be considered null because 'the presence of the witnesses Vita and Fracasso cannot be proven, as they are 'registered in the parish register,'" is incorrect. In the present case, it is not necessary to prove the presence of the two witnesses, Vita and Fracasso; but rather, it must be proven (so that we may exclude any doubt about a future marriage or betrothal, and instead consider the marriage as presently initiated, as has already been explained above), either that the two witnesses were not present (which is the only thing that can be called into question in our case), or that they were not present properly; and this must be proven with such certainty that all reasonable doubt to the contrary is removed. Indeed, the law states, as Reiffenstuel writes, book IV, title XIX, question IV: "In order for an ecclesiastical judge to dissolve the bond of marriage, he must have proof, full and perfect, of the impediment that removes it... If the proof is made by witnesses, it must be made by at least two witnesses, both of full age, without any exception." As for the facts, according to the witnesses mentioned in the marriage document, namely, Hypatio Vita and Vito Fracasso, one denies having been present at the marriage, while the other confesses that he was present at the marriage, or...

[*Latin ed. p. 527*]

The Roman Rota. In 527 cases of betrothals, or rather, of what appeared to be betrothals, it was held: "Based on my own conviction, I considered it to be either a marriage or a promise of marriage; and I believe the latter, that is, a promise of marriage, because the blessing of the ring was lacking." However, not every exception is sufficient to invalidate the effect of which we spoke above, namely, "so that the ecclesiastical judge may dissolve the marriage bond." Hypatius Viva testified that "The parish priest, wearing a cotta and stole, blessed the aforementioned Bleve and Saporito without them understanding any words..." It is not necessary that the words be heard, or that the blessing of the ring be present, because these are not strictly necessary. However, he who was attached to the sacristy of the parish church of Tricase testified: "that there were never any banns of marriage proclaimed between Camillo Bleve and Concetta Saporito." This is not only contrary to the truth, but it is also not consistent with the statements of the witness himself, as Vitus Fracasso affirmed. Moreover, he declared that Canon Gabrieli Ciullo "heard an exchange of words." As for Vitus Fracasso, this man testified before the ecclesiastical judge "that he heard that the banns of marriage were made," but before the public notary: "both (Viva and Fracasso) affirm that there were never any banns of

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marriage proclaimed," which is confirmed by Father Anthony de Notaris. Therefore, even setting aside a certain kind of machination or collusion, as can be inferred from the conduct of the plaintiff, from the testimonies given before the civil notary, from the declarations of Father Antoninus de Notaris, Archpriest Filippis, and the priest Ponzetta, the testimonies of these two witnesses (omitting the testimony of De Mitri, regarding whom the same judgment must be rendered) do not eliminate every prudent doubt to the contrary. The force of the arguments increases if we consider, on the other hand, the character of the parish priest Summonte. The current parish priest of the church of Tricase testified about the parish priest Summonte: "He was perfectly capable of managing the parish. He was of good morals and fulfilled his duties. I do not believe he would mark a witness as present at the celebration of a marriage if he was not actually present." However, what he adds: "but it is possible that he was careless," etc., is not credible in this case. The priest Francis Blandolino: "The aforementioned parish priest showed excellent ability in managing the parish... he was of good morals. I do not believe he would mark a witness as present at the celebration of marriages if he had not actually been present." The same was declared by the priests Joseph Grafis and Andrew Taloro.

[*Latin ed. p. 528*]

Acts of the Apostolic See: - Official Commentary. 528. Indeed, if we consider the documents existing in the Ugentina Curia, signed by the very Parish Priest Summonte himself, it clearly appears that he was most diligent in regard to the investigations and inquiries concerning the marriage, regarding the publication of the marriage, the domicile, the free state, impediments, etc. Therefore, how can it be supposed that he was negligent, let alone most negligent, regarding the celebration of the marriage itself, and especially regarding the presence of two witnesses and the Tridentine form? Therefore, the present marriage should be presumed and considered to have been properly performed, that is, celebrated in the Tridentine form.

II. But another explanation may be possible in our case, namely that there were other witnesses to the marriage, which, according to the review of the parish book, was celebrated not in the Parish Priest's house, but in the Church. We know that it was the Parish Priest's custom to entrust the task of recording parochial matters to another, and that these records were constantly written by a foreign hand. Ordinarily, the witnesses used were Viva and Fracasso, so that it could have happened, due to the negligence of the writer (as is sometimes asserted here, and which the current Parish Priest Dell'Abate confirms), that he was inscribed as a witness, although he was not actually present at the marriage. Certainly, this method of proceeding is to be reprehended; but with regard to those things which concern the very essence of the marriage, Parish Priest Summonte showed himself to be very astute. For, as stated above, he collected all the necessary documents,

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namely, the dispensation for only one publication to be made, the attestations of the announcement made in the parish of the groom, as well as the free state of the contracting parties, and the decree of the Curia, which granted the faculty to celebrate the marriage. There is no trace among these documents of a license granted by the Curia to celebrate the marriage in the Parish Priest's house, from which it is confirmed that the celebration was made in the Church. Otherwise, a suitable reason cannot be assigned for this secret celebration, since the marriage had already been publicly announced in the parishes of both the bride and groom. Indeed, as noted above, it cannot be conceived that a parish priest, who is considered capable of managing the parish, and who diligently endeavored to prepare everything for the celebration of the marriage, would have omitted, or would have wanted to omit, in the very celebration, what pertains to the essential form of the marriage contract, namely, the presence of witnesses, which is required by the Council of Trent, Session XXIV, chapter I, on marriage. Therefore, even if we admit the falsity of the parish book with respect to the names of the witnesses who were present at the marriage, it does not follow that the marriage was celebrated without witnesses, or with only one witness, besides the celebrating priest.

[*Latin ed. p. 529*]

529. Secretariat of State. In summary, it may be concluded that the matter remains in doubt, but in doubt, one must rule in favor of the validity of the marriage. Having carefully considered all of these matters, invoking the name of Christ, and with only God before our eyes, We, the undersigned Auditors sitting for the Tribunal, pronounce and declare the following opinion regarding the matter in question: it does not appear that there exists any nullity in the marriage between Camillus Bleve and Concepta Saporito. Thus we pronounce, ordering the Ordinaries of the places and the ministers of the Tribunals to whom this pertains, to enforce this sentence and to proceed against those who resist, according to the norms of the Sacred Canons, and especially Canon 3, Session 25, of the Council of Trent, employing the executive and coercive means that will be most effective and appropriate for the circumstances. Rome, on the 22nd of March, 1910. Ioannes Prior. L. £8 S. Aloysius Sincero, Prelate. Ioseph Mori. Sac. Tancredes Tani, Notary.

SECRETARIAT OF STATE LETTERS.

I. TO THE MOST REVEREND PAUL FERON-VRAU, CONCERNING THE EXHIBIT OF THE FIRST NUMBER OF THE NEW PUBLICATION "L'EUCHARISTIE" PRESENTED BY HIM RECENTLY.

The Holy Father received with perfect satisfaction the first number of the new publication that you have undertaken and to which you have given the

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title "L'Eucharistie." His Holiness, Pope Pius X, congratulates you on the choice of a means that can be very effective for the extension of the worship of the August Sacrament of our altars, and He encourages you to follow in the footsteps of your venerated uncle, Monsieur Vrau, who left such a great example of devotion to the Catholic cause, and who, in particular, was one of the main promoters of the first Eucharistic Congresses. The Holy Father will pray to God to inspire and support those who are engaged in this work.

[*Latin ed. p. 530*]

Acta Apostolicae Sedis. - Commentarium Officiale. Five hundred and thirty men of faith and doctrine will be your collaborators, so that, through their learned teachings, their piety, and their zeal, they may enlighten minds and inflame hearts. Supported by the Spirit of God, they will be able to show their readers the inexhaustible source that divinely nourishes zeal and makes it flourish in works of social regeneration. By inviting souls to the Eucharistic Congresses, they will work in the best possible way for the salvation and sanctification of the world, as well as for the unity and concord of which Catholics are so sorely in need. By illuminating the faith on this fundamental dogma, they will victoriously combat the sacrileges perpetrated by the enemies of Christ and His Church, against the sin of apostasy, the supreme outrage of this age, which denies the divinity of Our Lord Jesus Christ, and sees in His sacred Person only an extraordinary man, deserving of admiration, but not of adoration. Thus, they will, in a very practical way, combat the power of darkness that works to dechristianize the world, by denying the social kingship of Jesus Christ, by rejecting His rights to govern society as well as individuals, by forbidding Him all public life, by driving Him further and further from institutions and laws, by shaking or chaining the authority with which He has invested His Church. Such a noble purpose is assuredly that of an organ which seeks to take its place in this press, clearly and frankly Catholic, resolutely dedicated to the defense of the honor, the interests, and the freedom of the Church, and which, in this aim, will not shrink from material sacrifices, nor from the austere necessity of constant and disinterested work. May the new Review accomplish a work of Christian renewal, in concert with the Eucharistic Congresses, these solemn manifestations of faith, which appear to the astonished world as pious expeditions, as peaceful crusades, in which intrepid zealots for the glory of Jesus, the Host, make resound the old cry of former times: "God wills it!" The Holy Father blesses the new publication, and as a pledge of the most fruitful destinies, He generously sends the apostolic blessing to the zealous founder, to his collaborators, to the promoters of the Review, and to all its readers. Please accept, Sir, the assurance of my most distinguished sentiments. May 20, 1910. R. L. £g S.

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CARD. MERRY DEL VAL, Secretis Status.

[*Latin ed. p. 531*]

531. Secretariat of State. II. To the Most Reverend Canon Alfred Weber, Director of the Catholic Work for the Dissemination of the Holy Gospels, the book "Le Saint Évangile Commenté par les Apôtres" having been reverently presented to the Most Blessed Father.

The Holy Father has charged me to inform you with what satisfaction He has received the tribute of your book: "Le Saint Évangile Commenté par les Apôtres." This work, already honored by eminent commendations, is the worthy culmination of your previous work on the Holy Gospel of Our Lord Jesus Christ; and if it is fitting to see in the teaching of the Apostles the reproduction, the continuation, and the explanation of the teachings of the Divine Savior Himself, you have been fortunate in publishing, as it were, the most attractive commentary on the Holy Gospel that could be produced.

The Holy Father is pleased to consider your work as a very effective means of making Him who is the Way, the Truth, and the Life, better known and loved, and, consequently, of widely realizing the motto that is so dear to Him: *Instaurare omnia in Christo* [In the dispensation of the fulness of times, to re-establish all things in Christ, that are in heaven and on earth, in him.].

With His paternal encouragements, His Holiness bestows upon you, with effusion, the Apostolic Blessing. I beg you to accept my personal thanks for the copy that you have graciously offered me, and the assurance of my devoted sentiments in Our Lord.

May 1st, 1910.

R. L. Eg S. Card. Merry del Val, at the Secretariat of State.

[*Latin ed. p. 532*]

532 Acta Apostolicae Sedis. - Official Commentary. DIARY OF THE ROMAN CURIA, SACRED CONGREGATION OF RITES. On the 12th day of the current month of July, in the Apostolic Palace of the Vatican, the Ordinary Particular Congregation of the Sacred Rites was held, in which the following cases were presented for judgment to the Most Eminent and Reverend Lords Cardinals, members of the same:

I. Concerning the validity of the Apostolic and Ordinary Process, and the examination of the texts of the Cause of Beatification and Canonization of the Venerable Servant of God, Vincent Pallotti, Priest, Founder of the Pious Society of Missions.

II. Concerning the validity of the Apostolic Process and the investigations of the Ordinaries, as well as the cult, in obedience to the decrees of Urban VIII, never previously rendered to the Servants of God, Lawrence

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Imbert, Bishop of Capsa and Apostolic Vicar of Korea, and his Companions, who were killed, as it is asserted, by idolaters out of hatred for the Faith.

III. Concerning the cult, in obedience to the decrees of Urban VIII, never previously rendered to the Venerable Servant of God, Father Paul Capelloni, Priest, professed member of the Society of Jesus.

IV. Concerning the cult, in obedience to the decrees of Urban VIII, never previously rendered to the Venerable Servant of God, Filippina Duchesne, of the Congregation of the Sisters of the Most Sacred Heart of Jesus.

SECRETARY OF STATE, APPOINTMENTS. The Holy Father, through a note from the Secretary of State, deigned to appoint:

28 June 1910. – The Most Eminent Cardinal Pietro Respighi, Protector of the Arch-Confraternity of the Most Holy Nativity of Our Lord Jesus Christ of the Dying in Rome.

10 July 1910. – The Most Eminent Cardinal Sebastian Martinelli, Protector of the Institute of Religious women, called the "Lorette au pied de la Croix," of the diocese of Louisville in the United States of America.

4 June 1910. – The Reverend Father Giuseppe Maria Civra, of the Servants of Mary, and the Reverend Father Luigi Copéré, General Procurator of the Society of Mary, as Consultors of the Supreme Tribunal of the Apostolic Signature.

6 July 1910. – The Reverend Father Giulio Saubat, of the Congregation of the Priests of the Sacred Heart of Betharam, as a Consultant of the Sacred Congregation of Religious.

[*Latin ed. p. 533*]

533 SACRED ROMAN ROTA. Edital Citation. CONCERNING THE NULLITY OF MARRIAGE. Since Lady Eva Rachaël Paniza was duly summoned in the aforementioned case to appear before the Tribunal of the Sacred Roman Rota for the 15th day of the current month, and since the Curia of Sonora in the Republic of Mexicana, to which the mandate of citation was entrusted, has reported that it was unable to execute the commission because the domicile of the aforementioned woman could not be found, and furthermore, from the information obtained, no knowledge concerning her person or place of residence could be ascertained, the undersigned, in accordance with article 24, paragraph 4, of the regulations for proceedings before the Sacred Roman Tribunal, hereby orders, by this present edict, that the party be again summoned to appear, either in person or through a duly appointed legal representative, on the 1st day of the next month of September, before the same Tribunal; and if she does not appear on this second occasion, she shall be considered contumacious, and after hearing the Defender of the Bond ex officio, proceedings shall be continued, and on the 9th day of the same month, the case will be debated under the following question: "Whether the nullity of the marriage is

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established in this case." Therefore, those Ordinaries of places who have knowledge of the domicile or place of residence of the aforementioned lady are to take care, if and to the extent that it is possible, to ensure that she is informed of this edictal citation. Rome, on the 16th day of July, 1910. Ioseph Mori, Secretary. (Translation). TRIBUNAL OF THE SACRED ROMAN ROTA. Citation by Decree. PANAMA - NULLITY OF MARRIAGE. Having regard to the regular citation addressed to Madame Eve Rachel Paniza in the aforementioned case, to appear before the Tribunal of the Sacred Roman Rota on the 15th day of the current month; having regard to the fact that the Episcopal Curia of Sonora (Republic of Mexicana) to which the execution of the citation was entrusted, has not been able to carry it out,

[*Latin ed. p. 534*]

534 Acta Apostolicae Sedis. - Official Commentary. Given that the domicile of the aforementioned woman has remained untraceable; and whereas, on the other hand, the information obtained provides no indication of her person or the place where she may reside, the undersigned, in accordance with Article 24, paragraph 4, of the regulations for proceedings to be established before the Holy Tribunal of the Holy Roman Rota, by this decree orders that it be published in the official commentary "Acta Apostolicae Sedis," that the aforementioned party be summoned again to appear, either in person or through a duly appointed procurator, on the coming September 1st, before the same Tribunal. And if, after this second summons, she does not appear, she shall be considered in contempt of court, and after having heard the official Defender of the bond, the proceedings will continue, and on the 9th of the same month, the case will be discussed on the following question: "Is it established that the marriage is null in this case?" Therefore, any Ordinary who has knowledge of the domicile or place of residence of the aforementioned Lady, should take care, as far as possible, that she be informed of the present summons. Rome, July 16, 1910. Joseph Mori, Reporter.

[*Latin ed. p. 535*]

Year II. - Vol. 11. July 31, 1910. No. 14. OFFICIAL COMMENTARY ON THE ACTS OF POPE PIUS X. APOSTOLIC LETTER. I. ERECTION OF THE APOSTOLIC VICARIATE OF CE-KIAM WESTERN. PIUS PP. X. For the perpetual memory of this matter. — Those things which favor the spread of the Christian name, especially to distant regions, and the Roman institutions, We are always most willing to do, following the custom of the Pontiffs. Therefore, when the Venerable Brother Paulus Maria Reynaud, of the congregation of priests of the Mission, titular Bishop of Fussolanus, who governs the Apostolic Vicariate of Ce-Kiam in China with the greatest merit, humbly made supplications to Us, that We would deign to divide

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the aforementioned Vicariate, which is very extensive, especially considering the nature of the places and the length and difficulty of the routes, into two missions; We, after carefully considering all the circumstances with Our Venerable Brothers, the Cardinals of the Holy Roman Church, and with those presiding over the Congregation for the Propagation of the Faith, judged that such requests should be favorably received. Wherefore, by Our own initiative and with certain knowledge and mature deliberation, by the fullness of Our Apostolic authority, in the present document, We separate from the Apostolic Vicariate of Ce-Kiam in China the civil prefectures, which are commonly called Kia-shing-fou, Hou-tcheou-fou, Hang-tcheou-fou, Yen-tcheou-fou, Hin-tcheou-fou, and King-hoa-fou, and We erect and establish them into a new Apostolic Vicariate, which shall be called Ce-Kiam Western, leaving the former Vicariate with the title of Ce-Kiam Eastern. To this new mission, We prescribe the following boundaries: to the north, the Vicariate of Kian-Nan and Lake T'ai-hou; to the west, the Vicariate of Kiam Non and the eastern part of the Vicariate of Kiam-Si; to the south, the Vicariate of Ce-Kiam.

[*Latin ed. p. 536*]

Acts of the Apostolic See. - Official Commentary. 536, the Oriental Vicariate of Fokien, and finally, to the East, the Oriental Vicariate of Ce-Kiam and the Eastern Sea of China, or rather, the Gulf of Ham-tchou; and We entrust this same Mission to the pastoral care of priests from the Congregation of St. Vincent de Paul, with the firm intention that they may best deserve to promote the Catholic religion and piety in those remote places. — We decree that these present letters shall be firm, valid, and efficacious, and shall have their full and complete effect, and shall fully suffice for those to whom they pertain, in all things and through all things; and that they shall be judged and defined by any ordinary or delegated judge, and shall be void and null if anything should happen concerning these matters, knowingly or unknowingly, by anyone. Notwithstanding any contrary provisions. We wish that to these present letters, whether transcribed or printed, signed by the hand of a public notary and sealed with the seal of a person constituted in ecclesiastical dignity, the same faith be given as would be given to the present letters if they were exhibited or shown. Given at Rome, near St. Peter, under the Fisherman's Ring, on the tenth day of May, 1910, in the seventh year of Our Pontificate. R. L. £g S. CARD. MERRY DEL VAL, Secretary of State. II. TO THE MOST REVEREND FATHER PATRICK FERGO MAC EVAY, ARCHBISHOP OF TORONTO: THE ASSOCIATION FOR THE PROPAGATION OF THE CATHOLIC CHURCH, CONSTITUTED IN THE DOMAIN OF CANADA, IS COMMENDED AND GRANTED INDULGENCES. PIUS PP. X. Venerable Brother, greetings and the apostolic blessing. — We have recently been informed of the establishment and activities of that fruitful

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Association, which was erected two years ago under the same title in your province of Toronto, and also of the one that exists in Chicago in the United States of America, namely "The Catholic Church Extension Society," and that it strives to safeguard and promote the Catholic faith in the territories of the Canadian domain; these things have been pleasing and welcome to Us. We have learned with great joy of the explicit and substantial support given by the venerable prelates of the dioceses of that same domain, as well as by the most distinguished men, both ecclesiastical and lay, who, with unanimous consent, have bestowed brilliant praise upon this institution of yours.

[*Latin ed. p. 537*]

The acts of Pope Pius X follow, recalling 537 outstanding deeds and numerous merits for the sacred cause, by which this Society is most highly commended. The Apostolic Delegate from Ottawa-Cornwall reported more diligently and accurately on this matter to Us. Therefore, We have had the opportunity to consider the nobility and authority of this Society, which aims at the highest goal of extending the reign of Christ Jesus on earth, and therefore We do not hesitate to bestow upon this Society and all its members a singular pledge of Our paternal approval and concern. It is also pleasing to recall that We were among the first patrons of this nascent association, and that We strengthened its beginnings with that letter, which, in the month of December, in the year 1908, We arranged to be given to you, Venerable Brother, through Our beloved Son, Cardinal Secretary of State. The blessing of the Most High, which We then invoked upon the burgeoning Society, has been a fertile and abundant source of fruit, as is confirmed by the many works accomplished by the Society itself, namely: the generous provision of financial assistance, both for the construction of churches and chapels, and for the founding of Catholic schools, providing necessary aid to dioceses and missions lacking such support; a vast collection of publications on religion and moral discipline, widely disseminated among the people; the establishment of a journal entitled "Catholic Register and Extension"; the distribution, free of charge, of a great quantity of sacred vessels and objects pertaining to the divine worship in various ways; valuable assistance provided to poor priests in mission territories; and finally, the successful results achieved by the Society in protecting poor Catholics in the territory of Rodez from the insidious attacks of anti-Catholic sects, which strive to separate them from the bosom of the Catholic Church. For these and many other significant benefits, which concern the salvation of countless souls, We, together with you, Venerable Brother, give thanks to the supreme Giver of all good things, God; but, guided by the spirit of justice, We also deem it fitting to honor you and all those members of this Association, to whom We owe so many and such great blessings, achieved so felicitously through their

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diligent work and generous charity. If the past is a testament to the future, then it is right and proper to expect even greater things; and We, for whom the justice of your intentions and the integrity of your vows are clearly evident, have almost certain hope that this Society of yours, which God blesses and men favor, will experience a rapid and desirable growth. This growth will be achieved all the more quickly and abundantly if...

[*Latin ed. p. 538*]

Acts of the Apostolic See. - Official Commentary. We know that the more closely you adhere to the purpose of your Society, which is to convert all the goodness of your citizens, who live solely within the boundaries of this Canadian dominion, to the service of God. We expressly commend to you this religious observance of your purpose; and with this intention, we strictly order you to preserve this purpose, so that not only may we benefit your citizens in a greater way, but also so that your efforts may always proceed and be developed, joined in a unanimous agreement with the two universal works of the Propagation of the Faith and the Holy Childhood, from which the Catholic Church receives such valuable assistance in the fulfillment of its divine mission.

Meanwhile, without any doubt, we are confident that you will respond most favorably to our expectations, and we will join you with an outpouring of the Holy Spirit, offering fervent prayers for the daily growth of your Association. Moreover, we are exceedingly pleased to have the opportunity, through these present words, to call upon the support and charity of all, especially from your citizens, to whom the growth of religion should be as dear as the good of the country itself.

We direct this exhortation of ours, above all and before all, to your venerable brothers in the pastoral ministry, knowing that their help is particularly desirable and effective. Their support and encouragement will be followed by the diligent study of the clergy and the constant generosity of those to whom divine Providence, together with the abundance of earthly riches, has provided a means, no less obvious than effective, of carrying out good works.

As for the petition presented to us, we gladly grant the desired favor to your Society, by giving you a Cardinal Patron, whose union with the Most Holy See of Peter will serve as a living symbol. To this end, a careful and faithful account will be given each year of the works that, with God's help, your Society has accomplished for the growth of the Catholic faith in your region.

Furthermore, our beloved son, Sebastian, Cardinal Martinelli, is hereby appointed and constituted, by our authority, as the patron of your Society. Similarly, in order to better assist in the administration of your Association, we hereby decree that the office of Principal Moderator of the entire Society, with the title of Chancellor of the Association, shall permanently remain

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with you, Venerable Brother, and with your successors in the Archdiocese of Toronto.

Connected in a special way to this supreme office is the obligation to safeguard the affairs of the Society, and to add to this, the assistance of all those who are known for their wise counsel.

[*Latin ed. p. 539*]

The acts of Pope Pius X, 539, concerning the diligent promotion and advancement of the daily activities of the Association itself. Since, according to the rules thus far observed, after deliberation by the Directorate, a governor must immediately be appointed to the Society, called the President, to whom the prudence and vigilance of the entire general action of the Society are entrusted: We, fully aware of how important it is that the greatest weight be given to this election, wish to reserve this matter to Ourselves and to the Holy Apostolic See. Therefore, We command that the election of the President be made from among three candidates designated by the Directorate for this purpose, whose names shall be transmitted to the City through the Cardinal, the Patron of the Society. Furthermore, We decree that the President of the Society, so named by the Apostolic See, may not hold office for longer than a period of five years. Finally, since it is most pleasing to Us that the minds and hearts of the faithful in those regions of Canada may become increasingly devoted to this Association, and We gladly receive your prayers, We grant to the same Association and to all its members, helpers, and benefactors, all the graces, indulgences, and privileges that We have already granted to the Chicago Society, namely: 1. We declare Saint Philip Neri, the heavenly Patron of the aforementioned Association. 2. We grant to each of its members a plenary indulgence on the first day of their entry into the Society, and annually on the feasts of Saint Philip Neri, Saint Francis of Sales, Saint Rose of Lima, Saint Anne, the Apostles, and the Immaculate Conception, provided that on those days, having made a confession and received absolution, they visit a public church properly. Finally, We grant a plenary indulgence to be obtained by these members at the hour of death, provided that each of them, at the moment in which their eternity hangs in the balance, is truly contrite and has confessed, and has received Holy Communion, or, if they are unable to do so, devoutly invokes the name of Jesus with their mouth, if they can, or at least with their heart, and accepts death as the penalty for sin with a submissive spirit. 3. An indulgence of seven years and seven quarantines for each good work performed in the interest of the Society by its members. 4. An indulgence of three hundred days, to be obtained by any member each time they piously recite the formula: "Saint Philip Neri, pray for us." 5. We grant that, except for the indulgence to be obtained at the hour of death, it is permissible for the members themselves to fulfill, if they so wish, the canonical penances and the punishments of temporal remission for all

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other indulgences, whether plenary or partial, which We have enumerated above. 6. Finally, We grant the privilege of an altar where, three times a week, priests who are members of the Society may say Mass.

[*Latin ed. p. 540*]

540 Acta Apostolicae Sedis. - Official Commentary. Those who are called are summoned, and, six times, each week, those whom they call Founders. In the meantime, being certain that these spiritual gifts, which We grant to you through the present document, will contribute to the greater glory of God and the salvation of souls, and to the prosperity of your Society, We impart to you, Venerable Brother, and to your clergy, and to all and each of the members of that Association, Our Apostolic Blessing, as a pledge of heavenly favors and of Our benevolence. Given in Rome, at St. Peter's, under the Fisherman's Ring, on the ninth day of June, 1910, in the seventh year of Our Pontificate. R. L. S. CARD. MERRY DEL VAL, Secretary of State. LETTERS I. TO THE R. R. PP. AUTHORS OF THE "TOLICA" EPHEMERIS, ON THE SIXTIETH ANNIVERSARY OF ITS FOUNDATION, ENTITLED "LA CIVILTÀ RECURRENTE." Beloved sons, greetings and the Apostolic Blessing. — We are indeed pleased with you, as the sixtieth anniversary approaches of the time when the commentaries began to be published, which have been written with such excellent effort. We see that you have firmly and faithfully adhered to the purpose and counsel adopted by your predecessors, and that you have offered with eager spirit all that was within you to defend and promote the Catholic doctrine and to uphold the rights of the Apostolic See. To this praise, the recent and fruitful discussions, held with such success against the doctrines of the modernists, alas, too prevalent, and those who wickedly assent to them, have certainly added greatly, in which you have skillfully exposed their deceptive form and clearly revealed the poison hidden within. We encourage you, therefore, to vigorously pursue this type of debate. But, having experienced it, we know that your wisdom does not need to be urged, since nothing inspires you more than the pursuit of divine glory, to which you are devoted in mind and in life. But let the praise given to you be a pledge of the gifts bestowed upon you.

[*Latin ed. p. 541*]

541 The Acts of Pope Pius X lack the benevolence of Our paternal heart; We impart to you all, beloved sons, Our Apostolic blessing. Given in Rome, at St. Peter's, on the second day of April, 1910, in the seventh year of Our Pontificate. PIUS PP. X.

TO THE DIRECTORS AND AUTHORS OF THE MONTHLY REVIEW "REVUE CATHOLIQUE DES INSTITUTIONS ET DU DROIT," FOR THE PURPOSE OF COMMENDATION AND ENCOURAGEMENT.

Beloved sons, greetings and Our Apostolic blessing.

Nothing is more fruitful and opportune than that, as you have long

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striven, the Christian philosophy should lay down the principles by which, guided by the prescriptions of the laws, the discipline of human society is ordered; and, whenever something appears in the laws contrary to Christian institutions – which often happens – to expose the deceit and to demonstrate its illegitimate, if any, evasions. In this way, you provide suitable arms to all those who strive in this formidable struggle for the liberal rights of the Church, and you yourselves excel in the defense of religion and justice. Therefore, rightly did Our predecessors, Pius IX and Leo XIII, adorn you with the highest praises, and they strongly encouraged you to persevere in the purpose and plan you have undertaken. We, in turn, follow you with the same commendation and encouragement; and We do this all the more because the circumstances require constant effort, not resistance. Moreover, We desire that your knowledge and prudence, the best that each of you possesses, be employed for the good of the common homeland, and that your labors and studies be aided in every way possible. As a pledge of divine favor and a testament to Our singular benevolence, We impart to you, beloved sons, Our Apostolic blessing.

Given in Rome, at St. Peter's, on the thirteenth day of June, 1910, in the seventh year of Our Pontificate. PIUS PP. X.

[*Latin ed. p. 542*]

542 Acta Apostolicae Sedis. - Official Commentary. S. CONGREGATION OF THE COUNCIL OF ARIANO. DISMISSAL FROM OFFICE AND RESTITUTION. May 10, 1910. STATEMENT OF FACTS. - A serious dispute arises between the Chapter of the Cathedral Church and its officials: these officials request that they be restored to their choral positions from which they were twice expelled by the Chapter, and furthermore, they insist on the transfer to themselves of the administration, so-called, of the "procuration" for the increase of salary or wages, together with the restitution of revenues improperly collected by the Chapter. The nature of these matters, to which these are joined, concerning the Chapter and the official Antonius Schiavo, who, along with others, was expelled from office by the same decree as sacristan major of the Cathedral and rural chaplain of Saint Liberator, will be better understood from the following exposition of facts. Under the Bishop of Ariano, Boviglia, in the year 1691, a college of six officials was established in the Cathedral Church, from the goods or expenses of the Chapter, who were considered not as true beneficiaries, but rather as chaplains removable at will. This is clearly evident from the capitular statutes, chapter 56, number 9, in the year 1737, in which it is stated that the officials do not enjoy the right of active or passive voice, and are elected by the Chapter and are removable at will. For their maintenance, 72 measures commonly called "tomoli" of grain were annually assigned from the Chapter's funds, later increased to 120, and also an annual sum of 36 ducats (153 Italian lire) for the burden imposed

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on the officials of celebrating Mass daily at the hour closest to morning, a burden which, with the passage of time, was reduced to only on festive days: in the same statutes, mention is made of other assigned revenues for the satisfaction of the Masses of the chaplaincy of Saint Oti, and of the legates Della Calce and Vacca, but neither were Masses celebrated nor revenues received, as the officials assert, perhaps because the funds for these institutions were lost. In addition to the assigned revenues, others were received from various Masses granted by pious persons in favor of the officials within the years 1766 and 1788, as evidenced by various public instruments of the notary of that time, Grifone, and from a certain record or municipal document: the burdens of these legates consisted of 168 Masses read, 4 with singing, and 10 anniversaries to be paid annually, and the revenues for their satisfaction...

[*Latin ed. p. 543*]

The Holy Congregation of the Council. In the year 543, they were obligated to pay annual dues of 187. The administration of the legates was managed by the mansionaries, as they themselves claim, and thus there existed what was called the "administration of the mansionaries." Among the mansionaries, a senior sacristan was chosen, to whom certain revenues were also assigned. In the years 1866-67, laws were enacted in Italy that undermined ecclesiastical property, and in the year 1872, the government assigned 3000 livres to six mansionaries from the proceeds of the sale of assets seized from the Chapter, which were later increased to 900 livres due to a tax of 3 per hundred, so that the income of each mansionary increased to 650 livres. However, this income, attributed to the mansionaries by the treasury and recorded in public accounts for the benefit of the Chapter, was never actually received by the mansionaries, but they only received 10 measures of grain in kind and another 10 in livres, amounting to 93.50. In the year 1887, the Chapter took over the administration, or procuration, of the legates, which had previously been managed by the mansionaries. Furthermore, on behalf of the mansionaries, the Chapter requested a reduction in the number of masses from 168: this reduction was first made to half, namely to 84; then it was reduced to only festive days, namely to 67 masses. The mansionaries were obliged to celebrate these masses in the hour before noon, and for this celebration, they received 85 centesimi. As the accounts show, the obligation of masses for the legates was combined with another obligation to celebrate mass in the hour before noon, for which they were assigned 36 ducats. Since the mansionaries often delegated other priests to celebrate these masses, because they had rural chaplaincies on Sundays and holidays, they requested an increase in alms. However, the Chapter granted a derisory increase of 15 centesimi. The mansionaries rejected this, and refused to celebrate the aforementioned masses, reducing the procuration of the legates, or the income of the legates, to 180.20 livres, due

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to the impossibility of collecting certain portions. However, the Chapter, considering itself harmed by this petition, dismissed the aforementioned mansionaries, namely Anthony Schiavo, Vincent Cardinale, John Graziano, Philip De Donato, and Nicholas Scarpellino, from their office on February 10, 1906. Anthony Schiavo, who was also the senior sacristan of the Cathedral and the rural chaplain of St. Liberator, was also deprived of these offices. Against this dismissal, the aforementioned mansionaries appealed to the Bishop, who, after considering all matters, issued the following decree on June 17th: "The five mansionaries... will resume " from tomorrow, June 18th, the free exercise of their choral office.

[*Latin ed. p. 544*]

544 Acta Apostolicae Sedis. - Official Commentary. "They were restored to their respective positions, previously occupied, without any alteration, and D. Anthony Schiavo remained sacristan and rural chaplain of S. Liberatore. They lose neither the annual rent nor the daily and occasional emoluments for the time that they may have been absent from the choir and the exercise of their office. For the annual rent of their office, they will receive from the Cathedral Chapter L. 180, 20, as in 1884, unless some portion belonging to that office has become uncollectible, in which case, that which is uncollectible must be deducted from the aforementioned sum." This decree was not accepted by the canons, but rather they contested it, arguing that the mansionaries do not have their own revenues, but that whatever they receive is given to them by the canons from the Chapter's funds, and therefore the procuration of legates, and the sum of 180, 20, is in no way due, and much less the right to collect accrued revenues in the past. Therefore, they delayed this matter through an appropriate appeal to the Sacred Congregation. On the contrary, the mansionaries, informed by the Chapter, presented their complaints to the same Congregation, regarding the requested payment of revenues and other recognized rights, as stipulated in the aforementioned decree, after the Bishop had expended effort and resources in attempting to establish harmony between the parties. Furthermore, the mansionaries, in their petition, requested not only the execution of the aforementioned Episcopal decree, but also that the sum of 3900 livres, inscribed in the Chapter's records as being owed from their fiscal accounts, along with accrued interest, which had never been paid to them, be added. While the matter was pending before the Sacred Congregation on the part of the mansionaries, certain events occurred that seemed to provide the Chapter with an opportunity to order their expulsion from the choir. Indeed, the mansionaries demanded that the sum of 3900 livres be collected from vacant benefices, so that the aforementioned declaration, which they considered appropriate, might be granted to them by the General Economus, and this declaration was sent to them on January 18, 1907, through the official registry. This course of action taken by the

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mansionaries greatly displeased both the Bishop and the Chapter. Then, as the Chapter reports, the mansionaries were not diligent in their service to the choir and the altar, and they often spoke disparagingly of the canons, causing scandal to the faithful. Therefore, on April 19 of the same year, the mansionaries were summoned by the archdeacon, president of the choir, by order of the Chapter, and during the morning service, they were given the following notice: "The Chapter, from this moment, declares the body of mansionaries dismissed from their office and position; therefore, you may remove your insignia."

[*Latin ed. p. 545*]

Sacred Congregation of the Council. 545 "to mark the keys of the cabinets." This dismissal, indeed, was not only made with the consent of the Chapter, but also with the approval of the Bishop. Since some of the canons seemed reluctant to return the keys of the cabinets and to relinquish their canonical insignia, a declaration was also made to appeal to the secular authorities. Therefore, on the 20th of the following month, the Bishop immediately ordered the suspended canons to incur the penalty of suspension from divine offices, in order to overcome their obstinacy and avoid scandal. After the assembly of the canons was dissolved, the Chapter, with the consent of the Bishop, appointed four new canons: Bonghi and others, retaining only Guardabascio, who had not joined the recalcitrant. The dismissed canons then brought complaints to the Sacred Congregation, requesting that the expulsion be declared invalid. However, this Sacred Congregation, having received information from the Bishop regarding the matter, responded to the appeal presented on June 22 of this year: "Let it be read." Thus, the canons, together with Anthony Schiavo, who was also removed from his office as Major Sacristan and chaplain of the Holy Liberator, but without the dismissed canon Vincent Cardinal, who is said to have gone abroad, namely to the regions of America, are promoting an appeal to the plenary session of the Most Reverend Fathers, and, with several documents presented to support their actions, they request, as can be seen from their appeal dated July 16, 1908: 1. "Reinstatement to their positions and offices." 2. "Confirmation of the episcopal sentence." 3. "A government allowance of 650 lire each year." 4. "Reimbursement of the amounts received by each of them from the time of their appointment until today, and also the allowance for the last Mass in the amount of 36 ducats." 5. "Payment for the service not rendered, against their will, from the time of their dismissal until today." 6. "Finally, in addition to compensation for the expenses incurred and to be incurred for the present cause, payment for the service rendered for two years that has not yet been received." It should be noted that all attempts made, either by the Bishop or by the Apostolic Visitor himself, as appears from this letter dated August 14, 1908, to settle the arisen dispute and to bring about harmony, were in vain. The same was

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the intention of the Holy Congregation, as can be seen from the following decree dated September 9 of the aforementioned year: "Regarding the extremely agitated question between the Chapter and the dismissed canons, we desire reconciliation, and this should be notified to the Bishop, who should strive to reconcile such harmony, with the warnings of the Chapter, so that they, considering their own good, may avoid grave..."

[*Latin ed. p. 546*]

Acta Apostolicae Sedis. - Official Commentary. 546. "Serious scandals and considerable inconveniences, perhaps involving civil tribunals, should lead to peaceful resolutions, always keeping the good of souls foremost in mind." The canons completely rejected this proposal, as evidenced by their latest appeal of November 15, 1908, in which they demand that the disputed matter be resolved by the Sacred Congregation through legal channels. It is worthwhile to examine various articles, presenting and correcting the arguments of those involved. First, let us consider the income of the canons. According to the capitular statutes, as mentioned above in chapter 56, the income of the canons is described as follows: "Their emoluments are as follows: a) '72 measures of grain annually, paid to them from the 'capitular' table; b) 'From the chapel of St. Otto, 10 ducats annually (42.50 lire) in cash; c) 'From the capitular table for a daily Mass, which they are required to celebrate in turn at the hour closest to noon, 36 ducats; d) '14 ducats annually for a Mass each Wednesday for the soul of Bishop Giacinto della Calce; e) '35 carlini annually for a capital of 50 ducats, bequeathed to them, with the obligation to say Masses, each at 2 carlini (85 centimes); f) 'From each funeral of an adult in the main parish of the Cathedral, 10 measures (55 centimes) are paid to each of them who are present." Regarding other income that was supposedly assigned to the canons, there is great uncertainty. For example, according to a certain area in the Municipality, the canons were said to receive 43.95 ducats annually from various bequests, with the obligation to celebrate Masses at a rate of 85 centimes per Mass. However, in the book of income and expenses for the year 1884, the canon Pironti, the Chapter's procurator, states that 180 lire were paid to the canons' procurator for the celebration of Masses. From a certain Mass book, commonly called a "vacchetta di messe" (a collection for Masses), it appears that the canons were obligated by the parish priest Goccia to celebrate 10 Masses annually, with the recitation of the Office for the Dead, and from other bequests, 4 Masses were sung each year. These Masses were always celebrated by the canons from the year 1891 to the year 1905, as evidenced by the same book. Furthermore, other Masses, according to the canons' assertion in number 168, which were previously reduced to half and then to feast days, are said to have been celebrated, sometimes in a canonical manner and sometimes by the canons themselves. According to the documents of the notary Grifone, there were also other additional

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sources of income.

[*Latin ed. p. 547*]

The Congregation of the Council. 547. To the college of mansionaries. But this matter is not without obscurity: some of these are derived from sums loaned from the fund of the chapel of Saint Othos, or Oti, about which we spoke in the first list, according to the canonical statutes; others are assigned to revenues already established for the celebration of Masses with singing. Therefore, from these, little or nothing can be argued in favor of the mansionaries. Regarding the existence of a procuration of legates, and whether it was managed in the year 1884, the college of mansionaries provide sworn testimony, besides the book of receipts and expenditures of the canon Pironti, and three former mansionaries, namely, the parish priest Santosnosso and the priests Padovano and Sicu¬ ranza. The mansionaries claim that the returning mansionaries seized the administration of the legates from them in the year 1887. As for the revenues of the sacristan, whose office was held by the mansionary Anthony Schiavo, some were paid by him himself for the expenses of the sacristy, namely, about 70 ducats, while others, about 7 or 10 ducats, according to the aforementioned witnesses, were given in favor of the sacristan himself. The mansionaries also claim that the Chapter seized the administration of these as well, while, according to a note attached, they should have been collected directly from the municipal treasury by the sacristan. On the contrary, the canons, although they have not presented any documents, infer the following. First, they point out the passage of time: if there were such a procuration of legates and a corresponding revenue of 180 livres, for more than 20 years, the mansionaries never raised a complaint or claim. Furthermore, the current mansionaries made no reservations when accepting the office. The Chapter annually pays 120 livres for the satisfaction of Masses; but if this sum is somewhat lower, it must be understood that the Chapter supports all taxes and fiscal burdens associated with these revenues. Finally, the Chapter observes that the mansionaries do not constitute an autonomous body with its own revenue: but rather, they are entirely dependent on it, are supported by its expenses, and can be removed at its will and discretion. However, the Chapter's reasoning does not seem to be entirely correct. 1° According to the canonical statutes, certain revenues are assigned for the mansionaries. These cannot be distributed or reduced at the discretion of the Chapter: except in the case where some capital has been lost, or some revenues have become uncollectible, then the amount of revenues for the mansionaries is spontaneously reduced, and the Chapter is not obliged to supplement it, speaking generally. 2. ° Nor can the Chapter change the destination of the revenues. Thus, according to the statutes, 36 ducats are assigned for the celebration of Masses to be celebrated alternately by each mansionary, the hour before noon. This obligation was later reduced, it is

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not known by whom.

[*Latin ed. p. 548*]

548 Acta Apostolicae Sedis. - Official Commentary. The distinction, concerning holidays, cannot be confused with any other obligation to offer Masses, which is restricted only to holidays. This applies also to other revenues intended for the satisfaction of other obligations. However, there is great confusion regarding the manner of satisfying these obligations, and it is not known what certain and real revenue can be demanded or obtained in the present circumstances. Therefore, it seems necessary for the Chapter to present a detailed account, both of the obligations and of the existing revenues intended for their satisfaction. Another article of the matter concerns the 3900 livres assigned by the treasury for the *mansionarii*, although, as mentioned above, these were Masses inscribed in the Chapter's records. The Chapter argues that this assignment was obtained not because the *mansionarii* were truly owed it, since they themselves have nothing to offer and are merely employees, but in order to recover goods from usurpers in a larger amount. The Bishop confirms this. In truth, the *mansionarii* cannot be considered true beneficiaries, and their stipends are specified in the statutes: furthermore, if the petition of the *mansionarii* were accepted, it would result in the *mansionarii* earning more than the canons themselves. For the canons have an assigned sum of 800 livres from the government for each, whereas the *mansionarii*, in addition to the sum of 650 livres for each, would have other assigned revenues, such as the chaplains of the Chapter, whose total expenses, together with the treasury's assignment, would amount to a greater sum than the 800 livres. Therefore, the petition of the *mansionarii* seems entirely to be rejected in this regard. Next, the *mansionarii* request that the Chapter restore to them the annual 36 ducats, which, according to the Chapter's statutes, were assigned to them and have never been paid. However, since this sum was intended for the celebration of Mass daily, shortly before morning, and the *mansionarii* have only performed the celebration of Masses for obligations on holidays and Sundays, the basis of the petition seems to be lacking. It should also be noted that the *mansionarii* have already implicitly demanded this sum in the previous and already mentioned claim for the sum of 3900 livres from the treasury, since they contend that the government decreed this sum, taking into account the benefits to the *mansionarii* as specified in the Chapter's statutes. Another article of the matter concerns the repetition by the *mansionarii* of emoluments due to the non-performance of choral service, due to the fault of the Chapter itself, which, as they say, prevented them from participating in the choir through an unjust expulsion. But this controversy is a subsidiary of another concerning the validity or invalidity

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of that same expulsion; therefore, we will return to it later.

[*Latin ed. p. 549*]

549. The Holy Congregation of Councils. Thus far, the controversy between the Chapter and the canons has been discussed from, so to speak, an economic perspective; but a more serious matter remains to be examined, and one which particularly reveals itself from a moral standpoint, namely, the two dismissals of the canons made by the Chapter, namely, on February 10, 1906, and on April 19, 1907, as was stated at the beginning. The first dismissal lacked the consent of the Bishop, who declared it null; the second, on the other hand, received his consent, and was indirectly confirmed by the Holy Congregation through the rejection of the canons' appeal. It must be stated that the matter at hand does not concern merely servile offices, in which there is no mixture of ecclesiastical ministry, and from which dismissal can be effected even for the slightest reason, as De Luca, *Theologia Veritatis De Beneficiis*, Dis. 80, and Scarfantonius, *Ad Ceccop.*, 11, in the decrees on vows, vol. 46, state; but rather, it concerns ecclesiastical chaplains, even those who minister at the altar and celebrate Mass. Therefore, those holding such offices do not seem to be able to be dismissed for any slight reason, but a grave reason is required, and the dismissal must not proceed from vengeance or hatred, since such dismissals cause grave dishonor to ecclesiastical persons in their reputation. See De Luca, in the aforementioned place, Dis. 97, n. 11, 12. Even more so, in the case at hand, we are not dealing with the dismissal of a private individual or canon, but with the dismissal of the entire College, which has never happened in previous times. With these legal principles established, we must examine whether the two dismissals made are valid. Regarding the first dismissal of the canons, there seems to be no doubt that it was null: 1. ° Because there was a lack of a legitimate cause, since the canons had been fined for petitioning for their rights, which is certainly not blameworthy. 2. ° Because there was a lack of proper procedure, since the affixing of a summons was not attached to the Chapter's act, nor was the Chapter's resolution written in the Chapter's book of resolutions, which two things are required by the Chapter's statutes under penalty of nullity (Stat. Cap. 54, n. 1, 2, 33). 3. ° Because there was a lack of consent or approval of the Bishop, which, as is necessary in the appointment of canons, so also in their dismissal. Therefore, the Bishop rightly ordered, by decree of June 17, 1906, that the dismissed canons be restored to their positions. But what is to be said about the second dismissal of the canons made by the Chapter in the following year, on April 19, 1907? The Bishop certainly ratified it, and argued against the appealing canons that it was to be confirmed by the Holy

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Congregation: he asserts that the canons were two distinct individuals.

[*Latin ed. p. 550*]

Acta Apostolicae Sedis. - Official Commentary. 550. To resolve certain questions, namely, one concerning financial interests, already decided in favor of the canons; the other, a disciplinary matter, or the dismissal of canons due to negligence in the service of the choir, and a scandal to the faithful. This latter decision was approved and confirmed by the Bishop himself. The Bishop's method of reasoning does not seem entirely commendable. For the true motive for both expulsions always existed in the financial interest. In the first case, the canons were seeking an increase in the festive alms, and the establishment of a procuration of legates, along with books (libelli) 180, 20; in the second case, in addition to these, they also added the assignment of 3900 books made to them by the treasury; and since the Chapter of the Bishop had refused to order the execution of the decree, the canons appealed to the Holy See. This appeal, made to legitimate authority, truly revealed the reason for the expulsion decreed and intimated by the Chapter. However, can a legitimate motive for inflicting the penalty of deprivation of office exist, even if it is subject to removal at will? But the Bishop and the Chapter resort to other reasons, namely, the rebellion and desertion of the choir by the canons; they accuse them of assisting in wicked deeds, of being a hindrance to the care of souls, of being unwilling to save souls, and of other similar things; and in particular, they accuse them of having petitioned the Royal Treasury for a declaration regarding the assignment of 3900 books made in their favor. The canons easily refute these fabricated accusations before the secular authority. Regarding the appeal, they state that they did not request that the assignment made to them be presented, but only requested a declaration, with which document they could prove their right before the ecclesiastical authority; and indeed, the obtained attestation is among the documents presented by them; and surely no sane person would contend that this attestation could imply a danger or annoyance to the Chapter. Nor do the other accusations presented have a solid foundation. Firstly, it should be noted that the alleged desertion of the choral service, the neglect of the care of souls, and other impious scandals, if the facts correspond to the truth, must have occurred after the decree by which the Bishop recognized the rights of the canons; otherwise, the Bishop and the Chapter would have taken these matters into consideration in the first dismissal. But in the second dismissal, either they do not exist at all, or they have been exaggerated beyond measure. Indeed, the fact is that the Cathedral Church was seriously damaged by an earthquake and remained closed from the year 1905 until March 18,

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1907, during which time the choral service was held in the Monia-

[*Latin ed. p. 551*]

The Holy Congregation of Councils. 551, concerning the transfer from Saint Benedict: but the choir of this church, due to the humidity and unhealthiness, especially during the winter months, was, as evidenced by the declaration of the Pro-Vicar General of Ariano, Ciardulli, dated July 23, 1907, scarcely frequented. Subsequently, some of the canons were prevented from attending the choir due to infirmity, such as Anthony Schiavo, Scarpellino, and Di Donato; their poor health is attested by medical certificates in the records, as is also evident that some of them, on certain days, especially on feast days, did not attend the choir because they were engaged in the care of souls. Thus, according to the declaration of April 21, 1907, the canons Scarpellino and Di Donato remained in office as spiritual administrators of the Cathedral parish from April 1903 until April 21, 1907. Furthermore, the second accusation of improper and scandalous conduct on the part of the canons is not substantiated: for it is not proven by any specific fact, but rather, the records contain testimonies from several pastors, from which the opposite is evident. Therefore, based on the foregoing, since the alleged facts are not supported by any serious and probable reason, and are therefore to be considered unjust and invalid, and moreover, since the decision of the Chapter was issued while the canons' appeal was pending before the Holy Congregation, without any prior notice being attached to the summons for the Chapter meeting. However, if the second dismissal of the canons is declared null and void, it follows that all emoluments are due to the canons, which they had earned by performing their choral duties; for this omission did not occur through their fault, but through the action of the Chapter.

RESOLUTION. — Regarding the following questions: I. Whether the dismissal of the canons, or from the canonry, or from other offices, made by the Chapter on February 10, 1906, and on April 19, 1907, is valid in this case. II. Whether a certain portion of the revenue from the Fiscal Fund, derived from legates for Masses, amounting to 3900 livres, is due to the canons in this case. III. How it is to be determined in this case regarding the celebration of Masses.

The Fathers of the Holy Congregation of Councils, in a general meeting on May 14, 1910, decided to respond as follows: Ad l. um Ad mentem. The decision is: considering the particular circumstances, the three former canons are to be reinstated in office, so that, together with the others currently in office, they form a single body, to which all burdens and emoluments are assigned, ACTA, vol. II, n. 14. — 31-7-910. 37

[*Latin ed. p. 552*]

Acta Apostolicae Sedis. - Official Commentary. 552, with the following

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conditions: 1. That precedence be given to the three ancient canons over those newly admitted, although the revenues due to them for the past time during which they were absent from choral service must still be paid; 2. That the Chapter shall increase the emoluments of the canons from the Chapter's revenues by paying annually a sum equivalent to one-third of said emoluments, until the canons are reduced to their customary number. Regarding the form to be required by the Chapter: 2. Excluding the revenue from the Statutes, assigned by the libellus from the Chapter's procuration, 3900, and from Masses, except those which are due to canons who have suffered a loss of income or are unable to receive income from other sources. 3. It is understood that: a list of Masses shall be prepared and presented to the Sacred Congregation, along with a description of the revenues intended for their satisfaction. The Most Holy Pope Pius X, in an audience granted to the undersigned Secretary on the 15th of the same month of May, deigned to approve and confirm the opinion of the Fathers. C. CARD. GENNARI, Prefect. L. Eg S. Basilius Pompili, Secretary. SACRED CONGREGATION FOR RITES. DECREE OR DECLARATION CONCERNING THE COLLECTION FOR THE ELECTION OF A BISHOP, ACCORDING TO THE CEREMONIAL OF BISHOPS. By Decree of the Sacred Congregation of Rites, dated June 3rd of the current year, the days for the election or translation of a Bishop in the Consistory are still to be counted from the day of the Consistory's nomination, with regard to Bishops elected or translated before the Consistory. However, for Bishops elected or translated before the Consistory, the days are to be counted, not from the day of the Consistory, but from the day of the dispatch of the Decrees of the election or the publication thereof in the Consistory, or from the day of the Apostolic Letters pertaining to the translation. Therefore, the collection for the election of a new Bishop, during the vacancy of the See, according to the provisions of the Ceremonial of Bishops, Book II, chapter 38, number 27, which, by decree no. 0 2672 in Florence on December 19, 1829, is continued.

[*Latin ed. p. 553*]

The Holy Congregation of Rites decreed that, until the day of the election or secret Consistory, the matter should continue to be considered until the day on which knowledge of the election or appointment of a Bishop, whether by Consistorial provision or by the dispatch of Apostolic Letters, has been duly promulgated by the Diocesan Curia. And thus, this Holy Congregation of Rites declared and ordered to be observed henceforth, on July 8, 1910.

Fr. S. CARD. MARTINELLI, Prefect.

L. Eg S. f Petrus La Fontaine, Bishop of Charystien, Secretary.

II. A DOUBT CONCERNING THE PAROCHIAL MASS.

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The following doubt was proposed to the Holy Congregation of Rites, for a suitable solution: In certain Dioceses, the Mass to be celebrated and offered for the people on suppressed feasts can, by a special Indult of the Apostolic See, be applied for a particular intention, provided that the financial contribution due to the diocesan treasury is paid.

The question is: In parochial churches, where there is only one priest, must the Mass be necessarily celebrated on those days from the current day; or can it be celebrated with the chant of the Requiem on the day and for the day of the death or deposition, with the physical or moral presence of a corpse?

And the Holy Congregation of Rites, with the diligent support of the Liturgical Commission, after careful discussion and deliberation, decided that the following should be the answer to the proposed question: Affirmative to the first part of the question; negative to the second.

And thus it responded, on July 8, 1910.

Fr. S. CARD. MARTINELLI, Prefect.

L. Eg S. f Petrus La Fontaine, Bishop of Charystien, Secretary.

[*Latin ed. p. 554*]

Acts of the Apostolic See. - Official Commentary. 554 SACRED ROMAN ROTA ROSSANEN. CREDITORS. Under Pope Pius VII, and during the happy reign of King William – the Pontificate – on April 21, 1910, the Most Reverend Fathers, Doctors Sebastianelli Rossanen and Seraphinus Crediti, Gustavus Persiani, Many, as appellants, presented to the Most Reverend Lord Dominicani Mancini, presented by his procurator Vincent Turno, and represented in January by the lawfully appointed and Reverend Lord Aloysius Madera, brought before the definitive Auditors of the year, appointed, convened, and appealed, the following sentence: Whereas the Reverend Lord Ianuarius Chiarelli, Archpriest in the town of Mandatoriccio in the Rossanense Archdiocese, having completed his priestly duties, was deemed unfit to properly perform his parochial duties, the Rossanense Anti-stites assigned the Priest Aloysius Madera to assist him in the care of souls, so that the faithful entrusted to his care would suffer no detriment. Initially, as is customary, the relations between the assistant and the assistant were the best; but with the passage of time, they became so strained that harmony completely vanished between them: and thus, because of the assistant's censurable conduct in his ministry, and especially because of his disapproval of the assistant's work in celebrating marriages, the assistant suffered greatly from all this, and finally, before the Rossanense Ordinary, a complaint of injuries was presented by Madera against the Archpriest: which, however, was rejected by the Ecclesiastical Judge by a sentence of December 29, 1908. But this was not the end of the disputes: for when Chiarelli had obtained from the Treasury, by decree

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of October 31, 1906, a proper supplement, and annual books of 360 livres assigned to the assistant were found to be for restitution of titles and deductions, Madera retained these amounts due to him, and demanded that he be paid the full amount, without any agreed settlement. Against Archpriest Chiarelli, he instituted another action before the same Judge, and on December 29, 1908, the sentence was issued: "We condemn the Archpriest Don Gennaro Chiarelli to deliver to Don..."

[*Latin ed. p. 555*]

The Roman Rota. 555 "Luigi Madera, L. 1800, representing the annual sum of L. 360 due "to Madera from January 1, 1904, and for the future, to pay to me" the annual sum "as it is paid by the Fund for "the Cult." Against this judgment, Chiarellius filed an appeal with the Most Holy Office, on February 20, 1909: and before the Pope, the parties, on July 24, 1909, it was agreed to discuss the following doubtful matter: "Is "Archpriest Januarius Chiarelli obligated to pay to Priest Aloysius "Madera the annual sum of 360 scudi from the year 1904 and in subsequent years, as is provided by the government? " This is the question to be judged today by the Rota in Tournon. Regarding the facts. — After examining the records, the Most Reverend Auditors found that Archpriest Chiarelli had diligently served Priest Madera within the Archdiocese, hoping that Madera, having become a priest, would have him as his assistant, not without great comfort to his own soul, and with no small benefit to the Church. And indeed, Madera himself affirms this most clearly: "Although I am not obliged to mention this, nevertheless, your magnanimity and generosity compel me to do so, believing that by doing so, I would be fulfilling one of my important duties towards him, from whom I receive, as I receive today, benefits more than paternal, which in no way allow me to neglect these duties" (Letter of May 29, 1883). Moreover, the Judge of Rossano admitted this in his judgment of December 29, 1908: "It is due to Archpriest Chiarelli the "debt of admiration and praise for having thought to provide his Church with "another priest," although Madera admits that Chiarelli had deducted this obligation. Whatever may be argued, and since the Judge accepted the appeal, it is certain that the legal value and nature of the assistance rendered by Chiarelli to Priest Madera, of which more will be said below, is that he dedicated his efforts to this ecclesiastical institution in a commendable manner. Then, on September 26, 1858, Chiarellius was relieved of his duties as Archpriest of Mandatoriccio. But although the law was on his side, he never requested a proper settlement. When Madera was assigned to him as an assistant, he then requested that a proper settlement be made to him, which was indeed settled by a decree of October 31, 1907. However, since only L. 360 had been assigned for the assistant, within the legally permissible time, he presented an appeal, and specifically regarding the stipend assigned to the assistant, he stated: "that the sum of "L. 360 admitted in

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the accounts for the maintenance of the assistant is insufficient.

[*Latin ed. p. 556*]

Acts of the Apostolic See. - Official Commentary. 556 ″considering that the coadjutor's service is laborious for the extension of the ″parish and for the scattered houses in the countryside, and therefore it ″must amount to L. 500, which is actually what it spends.″ Therefore, it was deemed that Chiarelli, not only for himself, but also, and especially, for his Coadjutor, had wished to provide, since, neglecting his own benefit, when he could have obtained better income, he may have been more concerned about providing a salary for his Coadjutor. And this was truly the intention of the Archpriest, who said: ″It is declared by the undersigned, ″that the benefice of this Parish was such that it did not need to ″resort to the Cult Fund; however, it did resort to it in order to obtain ″an allowance for the Coadjutor.″ The matter of law. - Above all, since the current question originates from civil law, which assigns a proper stipend to Coadjutors to be paid by the Parishes, the RR. Fathers had both laws before their eyes. Therefore, if civil law is considered, the Parishioner has the right to take action against the Treasury to obtain a proper stipend and a supplement to the proper stipend; but in the determination of the proper stipend before the Church, civil law is applied in such a way that it must not be superseded by canon law; for the Church has not relinquished its rights because of disturbances and changes in the state of affairs, but has wished to remain firm and protected. Therefore, whatever is said by the Parishes under the force of civil law, it constitutes ecclesiastical property, and is governed and regulated by canon law, not by civil law. Indeed, the proper stipend due to Parishes from the Treasury in the southern regions does not have the character of subsidies assigned to the persons of the Parishes, but has the character of a real payment due to the Parish in place of lost parochial revenues by virtue of laws that abolish them, of which the proper stipend and the supplement to the proper stipend are like a restitution. Thus, the Supreme Tribunal of Rome (Corte di Cassazione di Roma) among other things, decreed on May 12, 1880: ″This Supreme Court has already demonstrated on several occasions that the ″allowances paid by the Municipalities (by which the Treasury has ″succeeded in this obligation) to the Parishes of the Southern provinces ″in place of the abolished Tithe of Sacraments and in accordance with ″the decrees of July 25 and September 1, 1772, do not otherwise have ″the character of temporary subsidies, and of pensions assigned personally ″to the Parish Priest in remuneration for the work that he performs for ″the care of souls, but represent the compensation for the other estate ″abolished for the benefit of the Municipality and to the detriment of ″the Parish, and thus constitute a true and proper debt from that to ″the benefit

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of this." - Therefore, whatever the Parishes obtain from the Treasury...

[*Latin ed. p. 557*]

The Roman Rota has ruled that the granting of a parsonage is favorable to the parish priest, and therefore is subject to canonical regulations. Indeed, according to the decree of the Council of Trent (Session XXI, chapter 4 on Reform), it is the right of the Bishops to determine that "in all parishes, where the people are so numerous that one pastor cannot suffice to administer the ecclesiastical sacraments and to perform the divine services," the pastors must add "as many priests as are necessary to administer the sacraments and to celebrate the divine worship." From this right follows another, namely, the right of the Bishops to determine the appropriate compensation to be paid by the parish to its coadjutors; for if this were left to the discretion of the parish priests, they might either pay nothing or an inadequate sum, and thus the right of the Bishops would be entirely ineffective. And indeed, the Doctors commonly, and Innocent XIII in the Bull *Apostolici Ministerii*, dated May 13, 1723, issued for the kingdoms of Spain, teach that the Bishop has the right, by virtue of the aforementioned decree of Trent, to determine the appropriate compensation; for Innocent says: "Whenever it should be necessary, in other parishes, which, as is stated, are not united, to provide for the parish priests by means of coadjutors or temporary vicars, it will be the duty of the Bishops, according to the power granted to them by the Council of Trent, to determine the portion of the aforementioned revenues to be assigned to the said coadjutors or vicars, in such quantity as they shall deem appropriate, according to their prudent judgment and conscience, taking into account the revenues of the parish, in which they have been appointed, and also considering the conditions of the place, the number of souls, the nature of the work, and the amount of expenses which the necessity of the office requires." This right is exercised by the Bishop either by approving an agreement reached between the parish priest and the coadjutor, or by himself determining the sum to be deducted from the parish revenues and paid to the coadjutor, or by establishing, in general, a rule by law or by the statutes of the Synod. Now, in the case of Parish Priest Chiarelli, the Fiscal granted 360 florins for the coadjutor, and it is presumed that he ordered that this sum be paid to Madero as a portion of the parish revenues. It is presumed that on December 29, 1908, the Bishop could not condemn Parish Priest Chiarelli for having refused Madero the appropriate compensation that he had received from the Fiscal, if he himself had not previously received the same appropriate compensation. We have not only a presumed, but a true and explicit confirmation of this in the general provision contained in the Diocesan Synod of Rossano, in the

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month of...

[*Latin ed. p. 558*]

(i 558 Acta Apostolicae Sedis. - Commentarium Officiale. Celebrata mense Julio anno 1906. Etenim (Tit. IV, Cap. VI, n. 19) legimus: « Praeterea mandamus, ut Curatores, qui proventibus fruuntur Coadiutoribus assignatis, vel si ipsi Coadiutores sibi tradant, vel pecuniam inter adiungant, eisque presbyteros Ecclesiae suae proventus dividant, qui ipsos coadiuvent. Quod si utrumvis ipsos fecisse quotannis comprobare apud Nostram Reverendam Curiam non possint, eidem Curiae eosdem proventus tradant, ut in utilitatem animarum impendantur ». Si igitur, quae in congrua solutione Parochi Chiarelli admissa est a Fisco, summa Libellarum 360, Episcopo ita disponente, est portio congrua Maderio assignata, nullimode visum est Reverendissimis Patribus ambigi posse, quin huic sit integre tradenda. Eo vel magis quod hunc ad effectum a Chiarellio fuit petita «si è ricorso per ottenere un assegno per l'Eco¬ « nomo Coadiutore»; et a Fisco concessa. Quare recte in sententia appellata dicitur: « Sarebbe un'aperta ingiustizia se, essendo comunque asse« gnata una somma per compenso del Coadiutore, a questa si dovesse « dare una diversa destinazione, senza che a quello si desse l'equi- « valente ». Ab hac obligatione, pluribus adductis argumentis, Archipresbyter Chiarellius se expediri contendit; irrito tamen conatu. Et primo ad contractum innominatum - do ut facias - appellat, inquiens, se ideo subsidia in ecclesiasticam Maderii institutionem procurandam contulisse, ut illum Sacerdotio insignitum sibi obligatum Cooperatorum faceret in cura animarum exercenda. Sed non ideo contractus concipitur. Civilis enim obligatio, ut Domini observarunt, non ex unius pendet voluntate, sed duorum vel plurium, quorum alter ius acquirit, alteri onus imponitur, cum contractus sit duorum vel plurium in idem placitum seu consensus contrahendae vel distrahendae; unde ad contractum requiritur, ut uterque velit, obligationis ut idem velit, causa: utque utriusque voluntas alteri innotescat. Sed in casu, quidquid sit de Chiarellii voluntate obligationem inducere volentis, nihil tisse de his ex parte Maderii ficia non obligationem constat ex actis exti¬ acceptantis. Aliunde bene- foenerantur, ut ex iis oriatur civilis obligatio, quae iudiciali actione prosequi possit. Quare, quod ad contractum est essentiale, elementum in casu exulat animo. Sed deinde, Archipresbyter contendit, summam Libellarum 360 a Fisco Coadiutori decretam sibi posse retinere veluti in compensationem earum, quas ipse in ecclesiasticam institutionem Maderii impenderat. Sed iniuria prorsus. Tunc enim tantum Reverendissimi Domini Auditores arbitrati sunt, Archipresbyterum sese posse compensare, quando ipse quod impendit ut

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Maderius sacris imbueretur disciplinis, titulo mutui concessisset, exinde.

[*Latin ed. p. 559*]

The Roman Rota. 559 concerning the restitution of funds after his priestly ordination; but the Most Reverend Fathers, regarding the law imposed on Maderio concerning this restitution, found that it did not hold true; indeed, they concluded that this law never existed, because Chiarellius never claimed the restitution of the loan, although Maderio, having become a priest and having returned from America fifteen years later, was in a position to repay.

However, since compensation, being a mutual contribution of debts and credits, requires a just reason on both sides (L. 1, ff. de Compens. XVI - G. G. Ital. art. 1285), the Most Reverend Fathers examined whether a just reason existed on both sides. On the part of Chiarellius, they found that a debt of 360 Lira was justly owed to the Coadjutor, and this was established by the evidence. On the part of Maderio, however, they found that he was not obligated by a debt of justice, but rather by a certain obligation of gratitude to his benefactor; and therefore, they excluded the right to compensation. They considered this to be even more justifiable, considering that the debt on the part of the Archpriest was entirely certain, whereas it was not certain on the part of Maderio. The expenses that are said to have been made by Chiarellius appear, although he prosecuted in favor of Maderio; otherwise, there is only one testimony presented on this matter, that of the Parish Priest Rizzuti, dated July 6, 1908: "It is known to me that in the years 1883-1884-1885, at the time when (Maderio) left the Seminary, the Reverend Gennaro, the Archpriest Chiarelli, paid the annual rent of 127.50 Lira on behalf of the seminarian Luigi Madera." But this testimony, besides being given twenty years after the event, during which time memory is not always reliable, was at least seen by the Most Reverend Fathers to be false on one side. Indeed, in the books of the economic administration of the Seminary of Rossano, it is written: "Boarders of the Seminary, the year 1885-1886, n. 11, Madera Luigi from Mandatoriccio, pays with his own money." Therefore, at least in that year, the pension for Maderio was not paid by Chiarellius; and yet, Rizzuti testified to the contrary. And since it is very likely that Maderio had received funds from the sacred patrimony from the year 1883, the Most Reverend Fathers held that the pension owed to the Seminary was a debt that belonged to him who had received funds from the patrimony from the year 1884, and that this debt had been paid. Furthermore, the burden of proof lies on the one who affirms; and since Maderio denies any expenses that were made by Chiarellius in caring for his ecclesiastical institution, although he freely and willingly admits to other benefits received from him, the debt on the part of Maderio is rightly rejected, since it has not been proven by the Archpriest. Therefore, with the basis for compensation excluded, the Most Reverend Auditors conse-

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quently excluded the right to compensation. Furthermore, the Archpriest also appeals to custom, saying that it is customary in the Archdiocese of Rossano that those who incur expenses for the Church in order to become priests serve the same Church gratuitously for three years.

[*Latin ed. p. 560*]

Acta Apostolicae Sedis. - Official Commentary. 5

(50) [One] must be held to perform [his] duty; and since [he] himself, at his own expense, provided for the ecclesiastical institution of the priest Maderius, [he] concludes that this [one] must, at least for three years, be held to provide free service to [him]. But this is in vain. For, setting aside the fact, which is sufficiently controversial above, concerning the expenses which it is not certain that the Archpriest sustained for the institution of Maderius, the custom invoked has not been proven in the records. Nor are the testimonies of Canon Ciconte and Canon Nicastro relevant to the matter; the former says: "Having been, during the time of my education in Naples, assisted and supported in expenses by this Venerable Seminary, when my education was finished, I returned as a priest to Rossano, and with great willingness I submitted myself to the obligation, which came to me from the custom prevailing in this our diocese, to provide free service to this Venerable Seminary for a period of three continuous years, without ever receiving anything from the administration of the pious institution"; the other said: "I resided gratuitously in a Seminary as a student of the Archdiocesan Table, with the obligation, after becoming a priest, to serve it gratuitously for a period of three continuous years, according to the law then in force." However, these two documents, presented by the plaintiff's patron, are not declared to be legally recognized and authentic, and therefore do not legally establish the matter. Furthermore, both documents speak of a specific and defined case; they concern two students who were educated in ecclesiastical disciplines at the expense of the Seminary and the Archdiocesan Table, according to the law that, upon becoming priests, they would serve the Seminary gratuitously: this case differs from the case in question, since in this case, it is simply a matter of a student in the same Seminary, without any law having been established with the use of outside funds, even if Chiarellius had truly provided both subsidies, to whom the testimony would extend; therefore, the injustice is most egregious, since it has not been sufficiently proven that the plaintiff incurred expenses in this matter. Finally, Maderius is said to be bound by an obligation to the Church of Mandatoriccio for three years, concerning the patrimony which he obtained, which Archbishop De Luca founded for this purpose. However, this is affirmed falsely, regarding the reason for the ecclesiastical service. For the intention of the most illustrious Prelate in founding [these] patrimonies was that the poor priests of the Church should not lack, without any mention being made of an obligation of free service. And this is

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declared in plain words by the Rossanese Judge, whose authority is of great importance in this matter, saying: "The meritorious Archbishop of Rossano (Monsignor De Luca) in his will of April 27, 1833, bequeathed the sum of 3000 ducats, so that land might be purchased, and that, along with other property which he had acquired, these [properties] might constitute Holy Patrimonies for the benefit of..."

[*Latin ed. p. 561*]

In Holy Scripture, Romans, Chapter 5, Verse 1: "That through faith we may have access to the grace and hope of eternal life." But the intention was that the poor clergy might have priests, so that the churches most in need within the Archdiocese might be served. But neither in the aforementioned will, nor in the decree of September 12, 1848, by which Monsignor Cilento gave a definitive structure to the already established endowments, is there any mention of the obligation for those who had benefited from these endowments to serve as assistants to their own pastors. Therefore, in the churches to which they are assigned, they cannot be obligated to anything other than that service to which all other priests ordained with a particular endowment are bound. Therefore, Aloysius Madera is not bound by the title of this endowment to render gratuitous service. It is therefore clear that Archpriest Chiarellium is obligated to deliver to Aloysius Madera the sum of 360 livres, paid by the treasury, as assigned for the coadjutor, and that there is no valid argument from the presented evidence to deny this obligation. Having carefully considered these matters, We, the undersigned Auditors of Tournon, invoking the name of Christ, sitting in judgment, and with only God before our eyes, decree, declare, and pronounce that the appeal presented by the Reverend Chiarellium is to be entirely rejected, and that he is to deliver to Aloysius Madera the sum of 360 livres, paid by the treasury from the year 1904, and to be paid in the future, or, to answer the proposed question, we answer affirmatively, but with the firm condition that Aloysius Madera must contribute his proportionate share to the expenses incurred and to be incurred by Chiarellium for the proper settlement. We decree that the expenses of the present instance are to be considered as compensated between the parties, and We order that they be so considered. Thus We pronounce, commanding the Ordinaries of the places and the officials of the tribunals to which this pertains, that they should enforce this Our judgment, and that they should proceed against those who resist, according to the norms of the sacred Canons, especially chapter 3, session 25, on reform, of the Council of Trent, using the executive and coercive means that are most effective and appropriate for the circumstances. Rome, in the seat of the Tribunal of the Holy Roman Rota, on April 21, 1910. Gustavus L. >g S. Persiani, Presiding. Gulielmus Sebastianelli.

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Seraphinus Many. Sac. Tancredes Tani, Notary.

[*Latin ed. p. 562*]

Acta Apostolicae Sedis. - Official Commentary. 562 SECRETARIAT OF STATE, LETTERS. I. TO THE REVEREND FATHER NATAL BRUNI, ARCHBISHOP OF MUTINA, CONCERNING THE "GRATIARUM" PROJECT FOR EDUCATION, AND ALSO ON BEHALF OF OTHER BISHOPS OF THE EMILIAN REGION, AFTER THEIR ANNUAL CONGRESS, TO THE MOST BLESSED FATHER! CAUSE GIVEN.

Most Reverend and Venerable Sirs,

In the letters which you, together with the other Bishops of the Emilian region, presented to the Most Blessed Father in recent days, as is customary at your congress, He was pleased to recognize your pastoral zeal and to behold, as it were, a reflection of it. Indeed, you wisely considered it most important to deliberate on matters concerning the proper training of those who are to be ordained, so that they may be prepared to defend the Catholic truth with vigor and to contribute to its flourishing; and so that, through their sanctity of life, their teaching, even if eloquent, may "edify, and not inflate," as the Apostle says. Furthermore, when it is daily experienced that future ministers of the sacred rites are such as they have been trained and formed in the seminaries, the Holiness of the Supreme Pontiff likewise directs his attention to the seminaries, so that they may be administered in such a way as to be the very training ground of all priestly virtues. Thus, it will come to pass that the priests will be such that it is right and proper for you to say, "You are my joy, and my crown," and that the way will be made easier for other faithful to learn and practice the teachings and discipline of the Gospel, and to be enriched by Christ.

You have not been wanting in diligence in pursuing the "christiana actio popularis," which we hear of. Indeed, this action, social in its nature and perfectly suited to the spirit of the times, is considered to be an excellent form of popular Catholic apostolate, and, provided it is carried out under the guidance and authority of those whom the Holy Spirit has placed to govern the Church, it will bring about considerable benefits, both religious and civil. Therefore, the pastoral zeal that guided you in undertaking these excellent endeavors, the same – and so, I announce to you, the Supreme Pontiff urges you – apply constantly in pursuing them. He will certainly be ready at all times to offer you help, for "Being confident of this very thing." And the paternal charity of the Supreme Pontiff will not be lacking to you, who also...

[*Latin ed. p. 563*]

Secretariat of State. Your plans and endeavors are embraced with a most singular affection, and may, with divine grace, which We most eagerly desire, lead to the desired outcome. May the Apostolic Blessing abundantly

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bestow strength upon you and the other dignitaries of the region of Emilia for the good management of affairs, which the Most Blessed Father generously grants to each of you, as well as to the clergy and people. I gladly seize this opportunity to confirm my esteem for you, and I attest to it to Your Eminence on May 18, 1910. Most devotedly, R. CARD. L. Eg S. a MERRY DEL VAL, Secretary of State. II. TO FREDERICK MISTRAL, CONCERNING THE GRATIARUM ACTION AND THE COPY OF THE POEM PRESENTED TO HIS HOLINESS. The homage which you so graciously conceived in offering to the Holy Father the powerful and sublime poem of Nerto, in which you sing with such splendor of your native land and the era of the Popes in Avignon, has caused His Holiness great satisfaction. By this filial gesture towards the common Father of Christendom, you have recalled that the *félibrige*, of which you are the glorious founder, also signifies "son of the Church." Your immortal work of the Provençal renaissance, the renewal of a venerable language above all others, the evocation of tradition, particularly the rich religious tradition of a province whose soul you carry within your own soul, your attachment to the traditions and faith of your fathers, all of this places you among the foremost of great authors who honor both human and Christian letters. The Holy Father, expressing to you all His gratitude and paternal wishes, invokes upon you the blessing of Christ, whom you have invoked as the inspirer of all poetry, the blessing of the Immaculate Virgin, whom you have celebrated in such touching and popular poems, She "whose virginity is the ciborium in which the Redeemer was incarnate for us." With particular benevolence, His Holiness sends you, and to your pious wife, the Apostolic Blessing with a generous heart. With my personal thanks for the copy of the poem which you kindly had delivered to me, I ask you to receive the expression of the wishes which I offer for your happiness. May the Lord bless the evening.

[*Latin ed. p. 564*]

Acts of the Apostolic See. - Official Commentary. 564 of your long career, which has inspired sentiments of which you have known how to admire the nobility and beauty in a harmonious and resonant language. Please accept, Sir, the expression of my most distinguished sentiments. May 3, 1910. R. CARD. L. S. MERRY DEL VAL, Secretary of State. III. TO R. D. J. KLEISER, APOSTOLIC NOTARY, CONCERNING THE INTERNATIONAL MARIAN CONGRESS TO BE HELD IN SALZBURG. The Holy Father, who had already blessed the pious resolution taken to convene the next International Marian Congress in the noble city of Salzburg, has deigned to take note of the program of studies and festivities of the Congress, scheduled for the month of July of this year, and which is to be held under the high presidency of Cardinal Archbishop Katschtaler. Nothing can more gladden the heart of the Holy Father, and it is with pleasure that I reiterate His paternal encouragements to you, so that,

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with the aid of this program, which His Holiness considers very suitable for achieving the goal set by the organizers of the Congress, you may effectively glorify the Virgin Mary, and increase in souls confidence in Her powerful protection. His Holiness Pope Pius X foresees the most happy results from the development of such a program. He has a firm hope that the active and intelligent collaboration of the organizers and committees, the adherence and cooperation of the members of the Episcopate and the clergy, who will come with the contribution of their work, their science, and their piety, the eagerness of the faithful who will bring to these glorious assemblies a public affirmation of their faith and their love, will obtain abundant fruits for souls; with a more ardent zeal for the extension and strengthening of the cult of the Virgin Mother, for the glory of God and the interests of the Church. The Supreme Pontiff prays to God to dispose hearts and prepare the way for this new and brilliant manifestation of homage, congratulations, and prayers to the Queen of Heaven. And so that the efforts of all may be fructified by the dew of grace, the Holy Father, with effusion of heart, grants the Apostolic Blessing to the Promoters, the organizers, and all the adherents of the upcoming Congress. Please accept, Your Excellency, the assurance of my most devoted sentiments in Our Lord. June 17, 1910. L. S. R. CARD. MERRY DEL VAL, Secretary of State.

[*Latin ed. p. 565*]

Diary of the Roman Curia. 565

DIARY OF THE ROMAN CURIA

ALLARO

Congregation of Rites

On the 19th day of the current month of July, in the Apostolic Palace at the Vatican, the Preparatory Congregation of the Sacred Rites was held, concerning the heroic degree of the virtues of the Venerable Joseph Mary Pignatelli, a professed priest of the Society of Jesus.

SECRETARY OF STATE

APPOINTMENTS

The Holy Father, through a note from the Secretary of State, deigned to appoint:

July 20, 1910. — His Eminence Cardinal Benedetto Lorenzelli, Protector of the Brothers of the Order of Saint Benedict of Aquisgrana.

The Holy Father, through a note and a Brief from the Secretary of State, deigned to appoint:

Assistant Bishop to the Throne:

June 30, 1910. — Monsignor Stefano Reville, Bishop of Sandhurst.

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Apostolic Protonotary ad instar:

June 20, 1910. — The Reverend Father Giovanni Battista Boulet, of the diocese of Seattle (United States of America).

Domestic Prelates of His Holiness:

June 13, 1910. — Monsignor Domenico Crocicchia, Canon of the Liberian Basilica in Rome.

June 17. — The Reverend Father Agostino Laubstein, Minor Chaplain of the soldiers of the navy, in Germany.

June 18. — The Reverend Canon Luigi Jeszenszky, General Vicar of the diocese of Nitria.

July 5, 1910. — The Reverend Father Giuseppe Valeriano Piaskiewicz, Honorary Canon of the Cathedral of Lviv (Latin rite).

July 5, 1910. — The Reverend Canon Giovanni Stryjshi, Episcopal Chancellor of Premislia (Greco-Ruthenian rite).

HONORS

The Holy Father, through a note and a Brief from the Secretary of State, deigned to bestow the following honors:

Knighthood of the Order of Saint Gregory the Great, civil class:

June 14, 1910. — To Mr. Luigi Brazzetti, of the archdiocese of Bologna.

June 17. — To Mr. Bela von Putnik, Austro-Hungarian Consul, in Widdin.

July 1, 1910. — To Mr. Giorgio Byelic, of Ragusa.

[*Latin ed. p. 566*]

Acts of the Apostolic See. - Official Commentary. The Commendation of the Order of St. Sylvester the Pope: June 30, 1910. — To the Most Reverend Mr. Girolamo de Campos Freire, of the diocese of Campinas (Brazil). — To the Most Reverend Mr. Luigi Giuseppe Pereira de Queiroz, of the same diocese. July 5, 1910. — To the Most Reverend Mr. Giuseppe Gioachino de Moraes Sarmento, Deputy to the Parliament in Brazil. The Knighthood of the Order of St. Sylvester the Pope: May 2, 1910. — To the Most Reverend Mr. Pietro Szczepanski, of the archdiocese of Leopoli (Latin rite). July 5, 1910. — To the Most Reverend Mr. Emanuele de Oliveira Paz, Secretary of Administration in Santarem (Brazil).

THE PAPAL HOUSEHOLD, BY ORDER OF HOLINESS

The Holiness of our Lord, through a letter from His Eminence, the Reverend Monsignor, the Papal Chamberlain, has deigned to appoint:

Secretaries, extraordinary:

June 27, 1910. — Monsignor Antonio Pottier.

July 14, 1910. — Monsignor Giovanni Trinkfass, of the diocese of Linz. —

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Monsignor Stefano Kestler, of the diocese of Vienne.

Secretaries of the Sword and Cape, extraordinary:

June 23, 1910. — Mr. Carlo Le Moyne de Martigny.

July 13, 1910. — Mr. Marquis Eugenio d'Oncieu de la Bâtie, of the archdiocese of Chambery. — Mr. Count Adriano d'Esclaiber, of the diocese of Arras. — Mr. Count Emanuele de Rougé, of the diocese of St. -Brieuc. — Mr. Eugenio Delcourt-Haillot, of the archdiocese of Cambrai.

July 14, 1910. — Mr. Samuele J. Castner, of the diocese of Philadelphia. — Mr. Enrico Rosier, of the diocese of St. -Claude.

Honorary Chaplains in purple vestments:

July 14, 1910. — Monsignor Leopoldo Schranzhofer, of the archdiocese of Vienne. — Monsignor Giuseppe Wolny, of the archdiocese of Vienne.

NECROLOGY

July 23, 1910. — Monsignor Domenico Fanucchi, Bishop of Città della Pieve.

July 27, 1910. — Monsignor Dionisio Alfonso Steyaert, of the Discalced Carmelites, titular Archbishop of Damascus.

[*Latin ed. p. 567*]

Year II. - Volume II. August 15, 1910. No. 15. OFFICIAL COMMENTARY OF THE ACTA. PAPAL ACTS. PIUS PP. X. APOSTOLIC LETTERS GRANTING PLENARY AND PARTIAL INDULGENCES TO THE FAITHFUL WHO ATTEND DAILY MASSES IN LYONS FOR THE SOULS OF THE POOR DECEASED, CELEBRATED BY THE PIOUS UNION OF THE HOLY CROSS. PIUS PP. X. For the perpetual memory of this matter. – Works of charity are all the more worthy, which, with Our help, bring assistance to those oppressed by a more difficult fate, and which intend to comfort their souls rather than their bodies. Therefore, We have received with joy the news that a pious work has been founded in the church of the Most Holy Virgin, greeted by the Angel, in the city of Lyons, which proposes above all to assist the faithful who have died in poverty, and to implore eternal consolations for them through the daily Holy Sacrifice of the Mass. Moreover, the esteemed son, Canon Joseph Lémann, Moderator of the pious association of the Holy Cross, has humbly made prayers to Us, along with the vote of the Cardinal Archbishop of Lyons, so that We might deem it worthy to enrich this pious work with the heavenly treasures of the Church; We have considered it fitting, as far as in Us lies, to grant these requests. Wherefore, confident in the mercy of Almighty God and in the authority of the Blessed Apostles Peter and Paul, We grant to all the Christian faithful who have devoutly attended the Holy Mass in the aforementioned church, on any day of their choosing throughout the year, or who have heard any Mass with the consent of those present, and who are truly penitent and reconciled, and who have received Holy

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Communion within that action, and who have offered prayers to God according to the institution and intention of the aforementioned pious work, a plenary indulgence.

[*Latin ed. p. 568*]

568 Acta Apostolicae Sedis. - Official Commentary. We grant, once each month, to all those who seek it, the indulgence and remission of all their sins, mercifully in the Lord. Furthermore, to the same faithful who, at least with a contrite heart, shall devoutly attend, either in the aforementioned Church, or at any other Mass celebrated anywhere, and shall pray during its celebration, we remit, on the day that they do so, seven years and as many forty days of the penitences prescribed to them, or of any other debts owed, according to the custom of the Church. We also grant that all these and each of these indulgences, remissions of sins, and relaxations of penances, may also be applied for the benefit of the souls of the faithful detained in Purgatory. Moreover, the purpose and intention of the aforementioned pious work and institution is that the most holy Mass, as stated above, may be efficacious each week for the expiation of the faults and punishments of the faithful departed who are mentioned below. That is to say, on each day of the week: on the second day of the week, prayers shall be offered for priests who have died in poverty, and for those parishes which lack a "casual" income; also for religious of both sexes who, having been abandoned by all, have died either through affliction or exile. On the third day, for the poor and for those deprived of all assistance, who die in foreign lands; on the fourth day, for needy farmers; on the fifth day, for soldiers who have died either in battle, or in Castro de Ordiales, or even in peacetime, or who have been taken by a public contagion. On the sixth day, for poor sailors and those at sea, who have breathed their last breath overcome by the waves. On Saturday, for those who have labored in poverty and have died in hospitals. Finally, on Sunday, for all vagrants whose deaths are unknown, and also for those who have been killed by some misfortune. This applies to those who act in accordance with these intentions. These decrees are valid and remain in force perpetually. Given at Rome, near St. Peter, under the Fisherman's ring, on the 28th of May, 1910, in the seventh year of Our Pontificate. R. L. - © S. CARD. MERRY DEL VAL, from the Secret Archives.

[*Latin ed. p. 569*]

Acta Pii PP. X. 569 II. AS THE CENTENNIAL OF THE ATTAINMENT OF LIBERTY APPROACHES, FULL AND PARTIAL INDULGENCES ARE GRANTED TO THE FAITHFUL OF THE REPUBLIC OF MEXICO THIS YEAR ONLY.

PIUS PP. X. The graces, which are due to the Author of all good, and which, with just and fitting merit, impel the Mexican people to celebrate

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the event with religious solemnity. For now, the first century has passed since that people began to vindicate their liberty; and on this happy occasion, the patriotic Sodalitas, supported by Catholic newspapers and Sacred Ministers, has proposed that the oath, which was renewed in Mexico City in the year 1737, be renewed by vows and suffrage, so that from then on, the Republic may believe and commit itself to the patronage of its Mother of God, the Virgin of Guadalupe. Moreover, when Our Predecessor, Pope Benedict XIV, confirmed this religious observance with his authority in the year 1744, and when We have repeatedly demonstrated Our favorable disposition towards that noble region, We gladly, at the request of the Archbishop of Mexico and other prelates of that Republic, grant this solemn testimony of faith, filling the heavenly treasury with willing offerings.

Therefore, since it has been decreed that on the second Sunday of next October, in the sacred ceremonies dedicated to the Blessed Virgin Mary, the Divine Mother, in the temples of Mexico City, after nine days of pious supplication, the oath, which We have mentioned above, will again be taken, We, in order that this work of faith and piety may contribute to the greater benefit of souls, mercifully grant, in the Lord, a plenary indulgence for all their sins, and remission of all their punishments, to all and each Christian faithful of both sexes who are truly penitent and have confessed and received Holy Communion, whenever they devoutly visit, from the first vespers until sunset on that day, any of the cathedrals, basilicas, collegiate churches, parish churches, and vicarages of the Republic of Mexico, and there offer pious prayers to God for the concord of Christians, the extirpation of heresies, the conversion of sinners, and the exaltation of the Holy Mother Church.

To those faithful,

[*Latin ed. p. 570*]

Decrees of the Apostolic See. - Official Commentary. 570. Those who, with at least a contrite heart, attend the aforementioned supplications on any day of the novena in any church or public oratory within the same Mexican jurisdiction, shall be granted, for seven years, the same indulgences and remissions of debts, whether prescribed or otherwise, in the customary form of the Church. We mercifully grant and bestow that all these indulgences, remissions of sins, and relaxations of penances may also be applied, as a suffrage, for the souls of the faithful detained in the fire of Purgatory. To those who do the contrary, notwithstanding. We decree that to these present letters, or even to printed copies thereof, if signed by the hand of a public notary and sealed with the seal of a person holding ecclesiastical office, the same faith shall be given as would be given to the originals if they were exhibited or shown. Given at Rome, near St. Peter's, under the Fisherman's ring, on the sixteenth day of June, 1910, in the seventh year of Our Pontificate. R. L. S. CARD. MERRY DEL VAL, Secretary of

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State. The Metropolitan Church of Leopolis is adorned with the title of Basilica Minor. PIUS PP. X. For the perpetual memory of the matter. — It is clearly established that the Latin Cathedral of Leopolis, built in 1877 under the title of the Virgin Mary, Star of the Morning, and subsequently erected and established as a Metropolitan Church in 1412, rightly holds the position of head and is called the principal sacred building of the Province of Galicz. There, countless pilgrims arrive each year, flocking together to venerate the most ancient image of the Virgin Mary, which, by decree of the Chapter of the Vatican, had already been redeemed with a golden diadem since 1762. The inhabitants of that noble region have constantly experienced the present help of the Virgin. King John Casimir of Polonia, Russia, and Lithuania, together with the nobles of the kingdom, the Senate, and a gathering of noble men, visited the aforementioned temple to humbly implore the protection of divine grace in times of distress and in the uncertain fortunes of the kingdom; and, preaching, establishing the Virgin Mary as the Patroness of the Kingdom of Poland, He solemnly vowed to entrust Himself and the Kingdom to Her protection and patronage. Furthermore, in the same sacred

[*Latin ed. p. 571*]

The Acts of Pope Pius X, page 571, recount that the sacred relics of the Blessed Confessor James of Strepa, Archbishop of Leopolis, are preserved with great reverence in a church adorned with excellent works of art and richly furnished. Soon after, by decree of this Holy Apostolic See, they were to be transferred to a more elegant silver shrine. Now, remembering these things, the venerable brother Joseph Bilczewski, Archbishop of Leopolis for the Latins, having earnestly implored us, and having obeyed the wishes of his Chapter, clergy, and people entrusted to him, we, with fervent prayers, have deemed it fitting to grant the Metropolitan Church of Leopolis the title and dignity of a Minor Basilica, so that this same temple may shine with greater splendor through our intervention. Therefore, by our Apostolic authority, in the presence of these witnesses, and forevermore, we elevate the Metropolitan Church of the Latins in Leopolis under the title of the Blessed Virgin Mary Assumed into Heaven, to the title and dignity of a Minor Basilica, granting it all the privileges that rightfully belong to such a Basilica. We decree that these present provisions shall always exist and remain valid, and shall fully and completely produce their intended effects, and shall fully benefit those to whom they apply, now and in the future, in all respects and in every way, and that in all matters concerning these provisions, judgment shall be rendered and decisions made by ordinary and delegated judges, and that these provisions shall be declared void and null if, by any authority, knowingly or unknowingly, anything should be attempted that is contrary to them. Notwithstanding any Apostolic Constitutions and Ordinances, and any other contrary provisions whatsoever.

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Given at Rome, near St. Peter's, under the Fisherman's Ring, on the 21st of June, 1910, in the seventh year of our pontificate. R. CARD. L. £g S. a MERRY DEL, Secretary of State. IV. TO THE PRIESTS INSCRIBED IN THE RECENTLY ADDED FOURTH SECTION OF THE PIUS X CONFRATERNITY, UNDER THE TITLE OF THE SORROWFUL VIRGIN MARY, THE DIOCESE OF MEDIOLANENSIS GRANTS THE PRIVILEGE OF MISSIONS. PIUS PP X. For the perpetual memory of this event. — This was brought to our attention by the esteemed Paul Colli, a priest, Spiritual Director of the theological seminary of Mediolanensis, who has already, for two centuries, been active in this diocese.

[*Latin ed. p. 572*]

Acts of the Apostolic See. - Official Commentary. 572, under the title of the Consortship of Priests Devoted to the Sorrowful Virgin Mary, whose purpose is to offer the Holy Sacrifice gratuitously for the deceased members. Now, since there are three sections from which this kind of consortship has hitherto been constituted, and a fourth has recently been added, Our most beloved son requested that We would deign to grant this fourth section also the same spiritual benefits which have been granted once and again to the three others. In accordance with these pious requests, and confident in the mercy of Almighty God and in the authority of the Blessed Apostles Peter and Paul, We hereby grant and bestow, by Our Apostolic authority, that the Masses which, with the permission of the Ordinariate, and according to the prescriptions of the aforementioned consortship, are duly celebrated by the priestly members for deceased confreres at any altar of each church, shall, for the soul or souls for whom they are celebrated, avail as much as if they had been celebrated at a privileged altar. Notwithstanding anything to the contrary. These present shall remain perpetually valid. We decree that to these letters, or to printed copies thereof, if signed by the hand of a public notary and sealed with the seal of a person holding ecclesiastical dignity, the same faith shall be given as would be given to the present document itself if it were exhibited or shown. Given at Rome, near St. Peter's, under the Fisherman's Ring, on the twenty-first day of June, 1910, in the seventh year of Our Pontificate. R. L. ffc S. CARD. a MERRY DEL VAL, Secretary of State. V. The Cathedral Church of PLOCENSIS is raised to the dignity of a Minor Basilica. PIUS PP. X. For the perpetual memory of the matter. — The Cathedral Church of PLOCENSIS, dedicated to St. Mary of Masovia, is older than all the Cathedrals of Russian Poland. It is distinguished by its structure, its murals, and its stained glass; it is also enriched by countless monuments of ancient art. Two Polish kings lie there in peace, awaiting the change, and their splendid tombs adorn the same sacred building. It also boasts the relics of Saints, and the head of St. Sigismund, King of Burgundy, is preserved

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there with ancient devotion. It is the seat of the diocesan confraternity.

[*Latin ed. p. 573*]

573 The Acts of Pope Pius X, concerning the Sacrament; The sanctuary abounds with wondrous sacred vessels and precious furnishings; adjacent to the church is a museum which excels in three prominent examples of art. Indeed, when the venerable brother Anthony Julian, Bishop of Plock, earnestly implored us to deign to grant his cathedral, a Minor Basilica, we, recalling with joy the glorious memories of that sacred edifice, deemed it fitting to grant his request with a willing heart. Therefore, by our Apostolic authority, in the present document, we elevate the cathedral temple of Plock, dedicated to Saint Mary of Masovia, to the dignity of a Minor Basilica; and we grant it all those privileges which rightfully belong to the Minor Basilicas of this our beloved City. We decree that these present letters shall always exist and remain valid, and shall fully and completely produce their intended effects, and shall fully benefit those to whom they pertain, now and in the future, in all things and through all things, and that they shall be judged and decided in all matters concerning them by any ordinary or delegated judge, and shall be declared null and void if anyone, knowingly or unknowingly, should attempt to interfere with them, in violation of our Apostolic Constitutions and Ordinances, and all other contrary things. Given at Rome, at Saint Peter's, under the Fisherman's Ring, on the first day of July, in the year 1910, in the seventh year of our pontificate. R. L. S. CARD. MERRY DEL VAL, Secretary of State. VI. A PERPETUAL MASS OF REPARATION IS INSTITUTED IN ALL CHURCHES OF FRANCE, WITH A PLENARY INDULGENCE GRANTED. PIUS PP. X. For the perpetual memory of this event. — It is fitting for the Roman Pontiff, to whom the divine governance of the militant Church has been entrusted, to turn his paternal attention also to the Church in Purgatory. Therefore, we are greatly consoled to know that there are pious priests in France who, of their own accord, celebrate more Masses each year, in order to compensate, as far as possible, for the obligations of the Mass which have been abolished by civil laws; and we commend these priests with the deserved praise of our words, and we do not hesitate to assert that they have begun a work most pleasing to God and to ourselves. Furthermore, in accordance with the intention of our pious predecessors, we grant two thousand Masses to each.

[*Latin ed. p. 574*]

Acts of the Apostolic See. - Official Commentary. We provide that the five hundred and seventy-fourth year be celebrated, so that the souls of the faithful detained in purgatorial fire may not be deprived of so great a spiritual benefit. Now, desiring to offer a new argument of Pontifical solicitude, We deem it pleasing to grant the wishes of many prelates of

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Galliae, and to decree a solemn supplication throughout the entire nation, that the souls of the deceased may be delivered from the debt of sin through the pious rite of the Holy Sacrifice of the Mass. Therefore, by Our Apostolic authority, We enact and decree perpetually and in all respects, that each year, on the Sundays of the month of November, in all the churches of Galliae, a Mass be celebrated for this very purpose; and We grant to all and each of the faithful, of both sexes, who, on the same Sunday, having confessed and been absolved in the aforementioned churches, partake of the heavenly banquet, a plenary indulgence for all their sins, to be remitted for the sins and punishments of the deceased, according to the usual form of the Church. We decree that these present letters shall always exist and be valid and efficacious, and shall have their full and complete effect, and that those to whom they apply, and to whom they will apply in the future, shall fully and completely be subject to them through all judges, and that, in this matter, ordinary and delegated judges must be judged and defined, and that anything to the contrary shall be null and void, if anyone, with any authority, knowingly or unknowingly, should attempt to alter it. Notwithstanding any Apostolic Constitutions and Ordinances, and any other contrary things whatsoever. Given at Rome, at St. Peter's, on the sixth day of July, in the year nineteen hundred and ten, in the seventh year of Our Pontificate. R. L. S. CARD. MERRY DEL VAL, Secretary of State.

[*Latin ed. p. 575*]

The Holy Congregation of the Holy Office.

(**SECTION ON INDULGENCES**)

DOUBTS REGARDING THE INTERPRETATION OF THE MOTU PROPRIO "CUM PER APOSTOLICAS," OF APRIL 7, 1910.

Thursday, July 13, 1910.

Regarding the interpretation of the Motu Proprio "Cum per Apostolicas" of April 7 of the current year, 1910, the following doubts have been presented to this Most Holy Congregation of the Holy Office:

1. Whether the concessions of Indulgences and the faculties pertaining to Indulgences, which were granted before November 1, 1908, by the Holy Congregation of Propaganda Fide to its subordinates, must be presented for recognition to the Holy Congregation of the Holy Office.

2. Whether the concessions of Indulgences and the faculties pertaining to Indulgences, made by the same Congregation of Propaganda Fide after November 1, 1908, and to be made in the future to its subordinates, must be presented for recognition to the Holy Congregation of the Holy Office.

After mature deliberation, the Most Eminent and Most Reverend Cardinals, Inquisitors General, in a plenary session held on Thursday, July 13 of the current month, decided to respond as follows:

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To the first question: Negatively.

To the second question: Negatively.

And with this understanding, it is to remain that the law broadly established by the Decree of the Holy Congregation of Indulgences and Holy Relics, approved by Benedict XIV on January 28, 1756, confirmed by Pope Pius IX on April 14, 1856, and again confirmed by Our Most Holy Father Pope Pius X on September 29, 1908 (Ordo servandus in Romana Curia, Normae peculiares, chapter VII, article 2, number 81), is to be maintained: "Those who obtain general concessions of Indulgences are henceforth to present a copy of such concessions to the Secretariat of the Holy Congregation under penalty of nullity of the grace." That is, to the Secretariat of the Holy Office.

On the following Friday, July 14 of the same month, the Most Holy Lord, Pope Pius...

[*Latin ed. p. 576*]

576 Acta Apostolicae Sedis. - Official Commentary. By divine providence, Pope X, during a customary audience granted to the Reverend Father, Assistant of the Holy Office, deigned to approve and confirm the resolutions of the Fathers. Rome, from the offices of the Holy Office, on July 15, 1910. Aloysius Giambene, Substitute for Indulgences.

SACRED CONGREGATION CONSISTORIAL DECREE. At the request of the Archbishop of St. John's, Newfoundland, concerning which method should henceforth be observed in providing for the episcopal sees of that province, which was established some years ago, the Most Holy Pope Pius X, after deliberation, "decreed and established, in accordance with the opinion of the Apostolic Delegate of the Canadian dominion and Newfoundland, that in the provision of the episcopal sees of the aforementioned ecclesiastical province, the same norms shall be observed as those in force in the provinces of the Canadian dominion, notwithstanding any contrary provisions." Given at Rome, from the offices of the Sacred Congregation Consistorial, on July 18, 1910. C. L. CARD. DE LAI, Secretary. S. Tecchi, Assistant.

APPOINTMENTS OF BISHOPS: His Holiness Pope Pius X, by decree of the Sacred Congregation Consistorial, appointed: July 25, 1910. - The Reverend Father Aloysius Boschi, as Apostolic Delegate to the diocese of that bishop, and at the request of the Holy See. Montis Alti, during the infirmity of Ripa.

[*Latin ed. p. 577*]

The Holy Congregation of Sacraments. 577, July 26, 1910. – Reverend Father Paul Aemilius Bergamaschi, bishop and pastor of the cathedral church of Troia, is appointed titular archbishop of the church of Areopolis. July 27, 1910. – Reverend Joseph Chartrand, rector of the cathedral church of In-

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dianapolis, and also vicar general of the bishop there, is appointed bishop titular of the church of Flavia, with the designation of Coadjutor, to succeed the Most Reverend Francis Silas Chatard, Bishop of Indianapolis. Furthermore, the same Most Holy Lord commanded that Letters Apostolic be issued under seal for the execution of this matter. DECREE CONCERNING THE AGE FOR ADMISSION TO FIRST COMMUNION. How singularly Christ pursued the little ones on earth is clearly testified by the pages of the Gospel. For He delighted in being with them; He laid His hands upon them and blessed them. "Suffer the little children to come unto Me, and forbid them not: for of such is the kingdom of God." He said to His disciples: "Whosoever shall not receive the kingdom of God as a little child, he shall not enter it." He indignantly rebuked those who wished to repel them, and He accustomed Himself to them, saying: "Come to Me, all ye that labor and are heavy laden, and I will refresh you." How much He valued their innocence is shown when He said, calling a little child to Him: "Amen, I say to you, unless you turn and become as little children, you shall not enter into the kingdom of heaven." Whosoever therefore shall humble himself as this little child, he is the greatest in the kingdom of heaven. And whosoever shall receive one such little child in My name, he receives Me. 1 MARK, X, 13, 14, 15. 2 MATTHEW, XVIII, 3, 4, 5.

[*Latin ed. p. 578*]

Acts of the Apostolic See. - Official Commentary. 578 Remembering this, the Catholic Church, from its very beginnings, has taken care to offer Christ to little ones through the Eucharistic Communion, which it is accustomed to administer to them even while they are nursing. This, as is prescribed in almost all ancient liturgical books up to the 13th century, was done during baptism, and this custom has persisted longer in some places; it still prevails among the Greeks and Orientals. However, to remove the danger that infants, especially those who are nursing, might reject the consecrated bread, it became customary from the beginning to administer the Eucharist to them only under the species of wine. And not only during baptism, but infants were frequently refreshed at the divine table thereafter. For it was the custom in some churches to offer the Eucharist to children immediately after the clergy, and elsewhere to give the remaining fragments to them after the Communion of adults. This custom subsequently fell into disuse in the Latin Church, and children did not begin to participate in the sacred table unless they had attained the use of reason and some knowledge of the Blessed Sacrament. This new discipline, already adopted by some particular Synods, was solemnly confirmed by the ecumenical Council of Cattolica I, in the year 1215, with the famous Canon XXI, which prescribes for the faithful, after they have reached the age of reason, sacramental Confession and Holy Communion, with these words: "Every faithful person of either sex, after having reached the age of discretion, should faithfully confess all

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his sins alone to a priest at least once a year, and should strive to fulfill this with all his strength, and, receiving the penance assigned to him, should receive the sacrament of the Eucharist at least at Easter, unless, perhaps, by the advice of his own priest, he should judge it necessary to abstain from it for a time for some reasonable cause." 1 The Council of Trent, in no way disapproving of the ancient discipline of administering the Eucharist to little ones before the use of reason, confirmed the decree of Cattolica and declared anathema against those who held the contrary opinion: "If anyone denies that all and each of the faithful of both sexes, when they have reached the age of discretion, are bound each year, at least at Easter, to receive Communion, according to the precept of Holy Mother Church, let him be anathema." 2 Therefore, all the faithful, when they have reached the age of discretion prescribed by the decree of Cattolica, are bound to approach, at least once a year, the sacraments of Penance and the Eucharist. 1 Sess. XXI, de Communione, c. 4. Sess. XIII, de Eucharistia, c. 8, can. 9.

[*Latin ed. p. 579*]

"Concerning the Congregation for the Sacraments. 579. In this matter, concerning the age at which reason, or discretion, should be exercised, many errors and abuses have crept in over time. Some have held that a different age of discretion should be assigned for the Sacrament of Penance, and for the Eucharist. For Penance, they judged that this was the age of discretion, in which one could distinguish between right and wrong, and therefore sin; but for the Eucharist, a more mature age was required, in which a fuller knowledge of the faith and a more prepared spirit could be brought. And so, according to the various customs of places and the opinions of men, the age for the first reception of the Eucharist is set at ten years, or twelve, or fourteen, or even older in some places, while meanwhile, children and adolescents of a younger prescribed age are forbidden from receiving the Eucharistic Communion. This custom, by which the faithful are kept away from the very Sacrament under the pretext of protecting the august dignity of the Sacrament, has been the cause of great harm to many. For it happens that the innocence of childhood is kept away from the embrace of Christ, and is not nourished by the fruit of interior life; and it follows that, lacking this powerful protection, youth, surrounded by so many dangers, loses its purity and rushes headlong into vice, before it has had the opportunity to taste the holy mysteries. Even if a more thorough instruction and a careful sacramental Confession precede the First Communion, which, indeed, does not always happen, the loss of that first innocence is always to be lamented, which, if received in the tender years, might perhaps have been avoided. No less reprehensible is the custom prevalent in many places, by which sacramental Confession is forbidden to children who have not yet been admitted to the Eucharistic table, or to those who are admitted, absolution is not granted. This results in those who are perhaps entangled

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in the snares of grave sins lying for a long time in great danger. And what is most serious, in some places, children who have not yet been admitted to their First Communion are not permitted, even in the face of imminent death, to receive the Sacred Viaticum, and thus, deceased and buried like infants, they are not helped by the prayers of the Church. Those who insist on extraordinary preparations for the First Communion, perhaps without fully realizing it, are introducing a danger, for this kind of caution stems from Jansenist errors, which maintain that the Most Holy Eucharist is a reward, not a remedy for human frailty. On the contrary, the Council of Trent clearly taught that it is "an antidote by which we are freed from sins, and preserved from mortal sins"; which doctrine is found in Session XIII, concerning the Eucharist, chapter 2."

[*Latin ed. p. 580*]

580 Acta Apostolicae Sedis. - Official Commentary. Recently, the Sacred Congregation of Councils more forcefully emphasized, by a decree issued on December 26, 1905, regarding daily Communion, that access is granted to all, both of more advanced and of tender age, under only two conditions: the state of grace and a right intention of the will. And it does not seem just that, whereas in ancient times, the remnants of the sacred species were distributed even to suckling infants, an extraordinary preparation is now required of children who are in the most blessed condition of first bloom and innocence, and who are most in need of that mystical food, due to the many dangers and perils of this time. We condemn the abuses that arise from this, because they have not properly or correctly defined what is the age of discretion, assigning one to Penance and another to the Eucharist. However, the Council of the Lateran requires the same age for both Sacraments, inasmuch as it imposes the burden of Confession and Communion together. Therefore, just as the age of discretion is considered to be that in which one can distinguish between what is honorable and what is dishonorable, that is, when one has attained the use of reason; so it must be said that for Communion, it is the age in which the eucharistic bread can be distinguished from ordinary bread; which, in turn, is the same age in which the child has attained the use of reason. Nor did the principal interpreters of the Council of the Lateran and their contemporaries understand it otherwise. For it is clear from the history of the Church that several synods and episcopal decrees, already from the 12th century, shortly after the Council of the Lateran, admitted children of seven years of age to their First Communion. Furthermore, there is a testimony of the highest authority, that of Saint Thomas Aquinas, whose words we read: "When children begin to have some use of reason, so that they can conceive devotion to this Sacrament (the Eucharist), then this Sacrament can be conferred upon them." Ledesma explains this in the following way: "I say, according to the consensus of all, that the Eucharist should be given to all

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who have the use of reason, no matter how quickly they may have that use of reason; even if the child still knows confusedly what he is doing." Vasquez explains the same passage with these words: "If a child has once attained this use of reason, he is immediately, by divine law, so obligated that the Church cannot entirely free him." Saint Antoninus taught the same, writing: "But when he is capable of deceit (the child), that is, when he can sin mortally, then he is obligated by the precept."

[*Latin ed. p. 581*]

Sacred Congregation of the Sacraments. "Concerning Confession, and consequently, concerning Holy Communion," 581. The Council of Trent also leads to this conclusion. For, as it states in Session X, chapter 4: "Those who are children and lack the use of reason are not bound by the necessity of receiving Holy Communion sacramentally," assigning this reason: "For they cannot lose the grace of the sons of God in that age." From this, it is clear that the Council's intention is that children should be bound by the necessity and obligation of Holy Communion when they are capable of losing grace through sin. These words are in harmony with the words of the Council of Rome, celebrated and taught under Pope Benedict XIII, which state that the obligation of receiving the Eucharist begins "after boys and girls have reached the age of discretion, that is, the age in which they are able to discern this sacramental food, which is nothing other than the true Body of Jesus Christ, from common and profane bread, and to approach it with due piety and reverence." The Roman Catechism states, "That age in which the sacred mysteries should be given to children, no one can better determine than the father and the priest, to whom they confess their sins. For it belongs to them to inquire and to question the children, whether they have received knowledge of this admirable Sacrament and have tasted it." From all of these things, it is gathered that the age of discretion for receiving Holy Communion is that in which the child knows to distinguish the Eucharistic bread from common and ordinary bread, so that he may devoutly approach the altar. Therefore, perfect knowledge of the truths of the Faith is not required, since some elements are sufficient, that is, some knowledge; nor is full understanding sufficient, since a certain beginning is enough. Therefore, to postpone Holy Communion further, using reason, is a misuse of reason; and to establish a more advanced age for receiving it is entirely to be condemned; and this has been condemned repeatedly by the Apostolic See. Thus, the Blessed Pope Pius IX, in a letter to Cardinal Antonelli, dated March 12, 1866, addressed to the bishops of France, strongly disapproved of the growing custom in some dioceses of postponing the First Holy Communion to more advanced and predetermined ages. The Sacred Congregation of the Council, on March 10, 1901, amended the decree of the Provincial Council of Rouen, in which boys were forbidden to receive Holy Communion before the age of twelve. Similarly, the Sacred Congregation

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of the Discipline of the Sacraments acted in the case of Argentina on March 25, 1910; in which...

[*Latin ed. p. 582*]

582 Acta Apostolicae Sedis. - Official Commentary. Concerning the matter of whether boys or girls of twelve or fourteen years of age could be admitted to the Sacraments, he wrote: "Boys and girls, when they have attained the age of discretion, or the use of reason, should be admitted to the sacred table." After carefully considering all these matters, the Holy Order of Discipline of the Sacraments, in a General Congregation held on the 10th day of July, 1910, deemed it fitting to establish the following rule concerning the First Communion of children, to be observed everywhere, so that the aforementioned abuses might be completely eliminated, and so that children, from a tender age, might adhere to Jesus Christ, live His life, and find protection against the dangers of corruption.

I. The age of discretion, for both Confession and Holy Communion, is that in which the child begins to reason, that is, approximately the seventh year, or above, or even below. From this time, the obligation to fulfill both the precepts of Confession and Communion begins.

II. For the First Confession and the First Communion, a complete and perfect knowledge of Christian doctrine is not necessary. However, the child must subsequently gradually learn the entire catechism according to his capacity.

III. The knowledge of religion required in a child, in order that he may properly prepare himself for the First Communion, is that in which he understands the necessary mysteries of the faith, and distinguishes the Eucharistic bread from ordinary bread, so that he may approach the Most Holy Eucharist with the devotion that his age naturally possesses.

IV. The obligation of the precepts of Confession and Communion, which burdens the child, applies especially to those who are responsible for his care, that is, to parents, confessors, teachers, and the parish priest. According to the Roman Catechism, it pertains to the father, or to those who perform his duties, and to the confessor, to admit the child to the First Communion.

V. Parish priests should take care to announce and hold a general Communion of children once or several times a year, and to admit not only those who are newly prepared, but also others, who, with the consent of their parents or confessor, as mentioned above, have already received the Holy Eucharist from the altar. For both groups, several days of instruction and preparation should precede.

VI. Those who are responsible for the care of children should take the utmost care to ensure that, after the First Communion, these children frequently approach the sacred table, and, if possible, even daily, as Jesus

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Christ and the Mother Church desire, and that they do so with the devotion that is natural to their age. Furthermore, they must remember that they are bound by a most serious duty to provide that the children themselves attend public catechisms and instruction.

[*Latin ed. p. 583*]

Sacred Congregation of the Council. Let these matters proceed, but if not, let them be supplemented in some other way.

VII. The custom of not admitting children to Confession, or of absolving them when they have reached the age of reason, is entirely to be condemned. Therefore, Ordinaries of places shall take care, using even the remedies of law, to completely remove this practice.

VIII. It is entirely detestable to refuse to administer the Holy Eucharist and Extreme Unction to children after they have reached the age of reason, and to bury them with the rites of infants. Ordinaries of places shall severely reprimand those who do not abandon this practice.

These [decrees] were approved by the Most Holy Lord Pope Pius X, who, in an audience on the 7th of the current month, approved of everything, ordered that the present decree be read and promulgated, and commanded that each Ordinary should inform not only the parish priests and clergy, but also the people, in their own language, at a time each year when the Paschal precept is read. Furthermore, the Ordinaries themselves must, every five years, together with other diocesan matters, report to the Holy See regarding the observance of this decree. Notwithstanding any contrary provisions.

Given in Rome, from the offices of the same Sacred Congregation, on the 8th of the month of August, in the year 1910.

D. CARD. FERRATA, Prefect.

Ph. Giustini, Secretary.

Sacred Congregation of the Council.

After the Sacred Congregation received a question from the Most Reverend Bishop of Gerunda, in a plenary meeting on January 22nd of the current year: "Whether the poor [in Spain] are to be required to give alms in order to enjoy the Lenten indulgence; but are to be required if they wish to enjoy other privileges granted by the Bull of Cruce Fixa [Bullae Cruciatae]"; and after it was also asked whether these same poor, after giving alms, are to receive a summary of the Bull in order to enjoy the indulgence expressed therein, whereby "they may freely and lawfully use and consume wool and dairy products, both during Lent and on other days of the year."

After the matter was reported to the Most Holy Lord Pope Pius X by the undersigned Cardinal Prefect in a rare audience on June 28th of the

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recently passed year, His Holiness declared: "The poor in Spain..."

[*Latin ed. p. 584*]

Acts of the Apostolic See. - Official Commentary. The Bull concerning Crusades, which can enjoy the indulgence granted in the aforementioned Bull of the Sacred Congregation, is contained herein; regarding eggs and dairy products, and this declaration is not hindered by any objections whatsoever, even those of particular note. Given in the Sacred Congregation, on the 4th of July, 1910. C. CARD. GENNARI, Prefect. L. S. Basilius Pompili, Secretary. BALTIMORE. Regarding the Nullity of the Pontificate of Pius PP. VII, on the 30th of June, in the year of Our Lord 1910, while Franciscus X, Gustavus Persiani, Heiner, Ioannes Cattani, Antonius Guilelmus Prior, Sebastianelli, Aloisius Ioseph Alberti, Matthaei, all present, the procurators presented the case concerning the marriage between Santucci and Seraphinus Sincero, Perathoner, Ioseph Many, Mori, Fri- videntes, in this cause, to Dominationis 1910, RR. PP. DD. Auditors M. Lega, Decanus, with the mission and clause concerning MARRIAGES. (REID-PARKHUST). The cause of Baltimo¬ Reid, represented by the Advocates, and Fridericum Vinculi, Defender ex officio, concerning the sentence. On the 21st of September, in the year 1887, Maria Reid, a Catholic, entered into marriage with Fridericus Parkhust, a non-baptized acatholic, in the city of Washington, before the Reverend Mr. Chapelle, pastor of the parish of Saint Matthaei in that city, observing the Tridentine form legitimately. Eleven years of civil life followed, and four children were born. Gradually, discord arose between the spouses, and eventually, she requested and obtained a divorce, so-called. In the year 1901, Lady Maria Reid traveled to Rome in July, and in August of 1901, she entered into a marriage, which they call civil, with a certain nobleman. Desiring to enter into a religious marriage with the same man, she began to accuse the marriage with Lord Parkhust, claiming that it was invalid, either because no dispensation had been granted, or because...

[*Latin ed. p. 585*]

The Roman See. 585. An impediment to marriage arising from disparity of cult, or if it has been dispensed with, must be declared invalid, since it was not requested by the parties, nor granted with the necessary precautions; especially because the intention and persuasion was to contract marriage with a baptized person, and not with an infidel. This cause was previously known to the Holy Congregation for the Propagation of the Faith, which, in May of 1905, judged that there was no proof of the nullity of the marriage. In the present case, the cause was presented to this Holy Office by Maria Reid, through a commission from the Most Blessed Father, for a definitive judgment. All present observed, and in the present action, the question is posed under the doubt: "Does the nullity of the marriage in this case stand?" In the solution of the question, the Reverend Fathers first

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considered that, although doubtful and controversial, marriage enjoys the benefit of possession in this case; therefore, the burden of proof is returned to the party who contends otherwise. On this matter, Cardinal D'Annibale states (P. III, n. 478): "If it does not certainly appear that the marriage was invalid, for the marriage (which is presumed to exist) one must respond according to the law; therefore, the value of the marriage is not null, but only probable, although there is a reason for it." And the Instruction of the Holy Office of December 18, 1872, cited by the Promoters, teaches: "One must remain in doubt concerning the validity of the marriage, although it is fitting to depart from this principle, when the question concerns a fact, namely, whether it was, or was not, contracted." On this matter, Cardinal D'Annibale adds a qualification, implying a case of exception from the Instruction, namely, when there is doubt as to whether the marriage was contracted or not. However, in this case, there is no question of whether the marriage was contracted before the Church, observing the Tridentine form; but rather, whether it was validly contracted, with a prior dispensation from the impediment of disparity of cult. That the dispensation enjoys this presumption, and therefore, that the marriage is in possession, is demonstrated by general principles of law and by the facts. First, it is deduced from the facts reported in the books of the Curia of Baltimore. It is a principle of the Holy Office that the books, even if not subscribed, which are held in the Archives, give full credence to the acts contained therein: "that the writing is public, or that it was taken from a public archive" (dec. 3, n. 18, p. 8, Recent). And in dec. 766, n. 2, p. 3, the Lords affirmed that "the books, being held by necessity of office and by persons appointed by public authority, deserve full credence," and in dec. 252, n. 3, p. 3: "The acts made by the Official by necessity of his office are proven," and in dec. 91, n. 1, p. 14, "the books written for the use of the Republic must have great faith and authority." Furthermore, De Luca, in jud. disc. 27, states that no subscription is required in the annotations in the protocol books to give them credence.

[*Latin ed. p. 586*]

Acta Apostolicae Sedis. - Official Commentary, 586, n. 27, and this is confirmed in the decision 628, n. 1, sq., p. 2, Recent. Then, the Most Reverend Fathers considered the annotations in the books of the Curia to be equivalent to a protocol, which Reiffenstuel, in *De fid. instrumentis*, defines as "the first and original writing, in which a Notary briefly notes the substance of the act performed." Furthermore, Schmalzgrueber, in *De fid. instrumentis*, n. 25, states that a protocol, even if not signed, has the same force as the original document or solemn instrument. Moreover, I, c, n. 47, teaches the same Schmalzgrueber: "What do the books of public officials prove? If such a book has been written by a public official appointed for this purpose, and it fully proves the facts related therein concerning those

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matters which pertain to his office, it proves them no less than an instrument drawn up by a Notary." The Reverend Father Marchetti states that the books of the Baltimore Curia are prepared by the Chancellor: "Indeed, the Chancellor takes and takes into account the number of dispensations." Schmalzgrueber, I, e, n. 40, confirms the great authority of such writings, especially when preserved in the public archive, and asserts: "Although such a writing is not public in itself, as is one drawn up by a public notary, it nevertheless has the force of a public instrument, both because it is kept in the archive, and because it is registered by a public and sworn official, or minister." This is also confirmed by the Rota in the decision 379, *La scopi seconda*, n. 6 and 7, p. 13, Recent: "The Episcopal archive is considered public, and therefore, with regard to all matters, full faith must be given to the writings contained therein, according to the text in c. 2, and the Gloss, on the word 'seal.' In *De fid. instrumentis*, the Rota, in the case of Merlino, decision 264, n. 3." Furthermore, the Fathers considered that the validity of the dispensation must have been proven by the Baltimore Curia, which, it appears, granted the same dispensation *in forma gratiosa*, producing its effect from the moment of its granting, so that the parish priest joined the couple in marriage, who were already suitable for marriage, or had received a dispensation. This is all the more true because the Patrons do not absolutely deny that the dispensation was granted, but raise doubts about its authenticity and validity, because four different copies of the handwritten document, or protocol, relating to the dispensation, are preserved in the Baltimore Curia. Since, according to the facts reported in the books of the Baltimore Curia, the dispensation is acquired, it follows that if any doubt is raised about its value, the principle "in case of doubt, one must stand for the validity of the act" must be invoked, whether one doubts whether the dispensation was properly requested, or whether it was reasonably or legitimately granted, or whether it was communicated to the parties. This applies even if the matter concerns a Delegate or an executor of the dispensation, as noted by De Iustis (de dispens.).

[*Latin ed. p. 587*]

(S. Romana Bota. 587 matrim. I. III, c. 1, n. 84): This is all the more true when the question concerns a marriage that has already begun. St. Alphonsus says: "Marriage cannot be contracted if there is a certain impediment, and it is doubted whether a dispensation has been obtained: for then the impediment is present. It would be different if it is certain that a dispensation exists, and there is doubt about its validity: the dispensation's value is in question." (Theol. mor., I. VI, n. 902). But before the individual objections are examined, it is helpful to reaffirm the rule solemnly enunciated by the Holy Office in a Roman decree, May 2, 1727, c. Ratto, n. 1: "Every presumption must be considered in favor of the validity of the marriage, and no account must be given to opposing objections when

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those objections are not so compelling and effective as to immediately and conclusively demonstrate a pretended nullity, whether arising from a lack of free consent or from some other invalidating cause." The rule of the Most Reverend Fathers is particularly noteworthy, which is affirmed in dec. 406, n. 1, p. 1, Recent; namely: "It is necessary to presume that a marriage is valid for ten years, unless otherwise established." Indeed, here we are dealing with a simple presumption which admits of any contradictory proof; whereas, in matters of marriage, the prescription established in matters of property could not be introduced, "lest the ownership of things always remain uncertain." But presumptions in favor of the validity of marriage must be considered more serious and stronger, because it is of the greatest importance to the Catholic Republic that marriages entered into before the Church should not easily be brought into doubt, nor should objections against the validity of the marriage easily prevail. For, especially after the passage of a long time since the celebration, if doubts are raised against the validity of the marriage more easily and conveniently, it becomes more difficult to defend. To this point refers the opinion of Innocent III, in chapter 47, De testibus: "It is more tolerable to allow some to be joined together contrary to the laws of men, than to separate those who have been lawfully joined together contrary to the laws of the Lord." Regarding the merits of the objections raised concerning the facts of the case, the Most Reverend Fathers considered the following: 1. It is not even brought into controversy today that Frederick was not baptized, so that truly an impediment of disparity of cults did not exist. 2. It is admitted by all that Mr. Parkhust is a trustworthy man; the actress confesses without ambiguity: "He was considered a most respectable man," as was also the opinion of his mother; and Mr. Sweeney: "I consider him to be of general esteem." 3. It is certain that the actress, Mary, was little or not at all concerned about knowing the truth about the religious sect to which Frederick was devoted; and whether he had received baptism, when asked: "at the time..."

[*Latin ed. p. 588*]

Acta Apostolicae Sedis. - Commentarium Officiale. 588 "ubi consentistis ad nuptias cum Friderico Haie Parkhust, num "umquam interrogavistis si ille baptizatus esset an non; vel num "alicuios permissistis ut illud ei interrogarent?" respondit: "Numquam." Haec responsio videtur profluere ex persuasione quam ipsa praetendit, scilicet, suum sponsum baptizatum fuisse: sed in praesentia, "certum est, Mariam suam intimam numquam intendisse ponere ut conditionem sine qua non, seu, se refundentem in errorem personae; nam, interrogata: "Num in momento "eiusdem matrimonii, oraliter vel mentaliter, posuistis conditionem "sequentem: Te, Friderico Haie Parkhust, marito accipio, quia te "baptizatum esse credo, et si non baptizatus es, non te marito?" "respondit: "No, non mi entrò mai per la testa." 4° Item, probatum est tractatum habitum

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fuisse cum Parocho Chapelle circa dispensationem necessariam pro matrimonio ineundo: hoc affirmat ipse Dominus Chapelle, actricis Mater et Parkhust, et confirmat Dominus Sweeny: Actrix vero negat se in his aliquam partem habuisse; sed contradicit Dominus Chapelle et Dominus Parkhust. Actrix vero non inficiatur eius matrem huic negotio incubuisse: ait enim: "Io ritenevo che "omnes practicae necessariae a Parocho Chapelle et a "mea matre perficerentur, quia in hoc negotio nihil a me "rogatum erat." "Nessuno mi fece da agente, sed [siccome il Dott. Chapelle "debet esse ceremonia nupcialis, credebam quod omnia "regolarmente ille ordinaverat." Mater vero ad interrogationem: "Num tunc aliquid "dictum est de dispensatione?" R. "Si, Domine." Item interrogata: "Num "cum Pretre, de dispensatione, colloquistis?" R. "Io colloquabar." "Num "sciebatis si Preter scripsisset, vel scripsisse, de necessaria "dispensatione?" R. "Preter dixit, se ad id curaturum." Item, mater apprime edocta erat de dispensatione quae obtinenda erat pro validitate matrimonii inter catholicum et virum infidelium, et in casu percontata est parochum loci Bangor, Dominum Sweeny, de conditione religiosa Dñi Parkhust; sed certe scire non potuit, utrum hic baptizatus esset: refert enim parochus: "Io scripsi ad eum ad talem finem, ut "intelligere possem quod ad familiam methodistam pertinebat: "faktum est, quod litteram a illa, de eo, accipi, et informationes "continebat, quod familia ad denominationem methodistam "pertinebat. Ego non habeo probationem huius opinioni, praeter "loquacitatem generalem." Quae autem de hac re mater scivit, aut scire "certum potuit, omni procul dubio, et filiae non latebant. Fluit autem ex tenore attestationum, et sponsam eiusque matrem non admodum fuisse sollicitas de.

[*Latin ed. p. 589*]

5. In the city of Rome, concerning the religious condition of the bridegroom: This, Parkhust testifies clearly, stating: "The matter was not treated as of great importance, and as far as I can recall, it was the subject of only a single conversation."

6. Furthermore, it is certain that the dispensation was not read aloud during the actual celebration of the marriage; and it is not permissible to doubt that the precautions on the part of the man were given and indicated, not in writing, but merely orally, at least before the parish priest.

7. No serious doubt can be raised against the authenticity of the act of dispensation, based on the four copies, because if one copy, which was presented to the Most Reverend Lord Marchetti, is removed, the other copies were not written word for word from the original, but were simple transcriptions of the subsequent dispensation, and it has been noted that, due to the manner in which the first copy was obtained, it is entirely and absolutely excluded that the original could have been corrupted or altered, or that it was not faithfully copied. For, unexpectedly, from the Curia of

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Baltimore, or without any prior knowledge of the matter in question, a telegram from the Consul of the United States, residing in Rome, inquired about a copy of the dispensation, and the first response was on July 31, 1901: "The Chancellor being absent, the Archive is closed with a key; further details will follow in a letter." Meanwhile, the Vice-Chancellor, completely unaware of the whole matter, examined the records of the Cathedral Church, inquiring whether the marriage in question was recorded there; but immediately, upon receiving a more urgent telegram on August 1 of the following day, he replied by telegram: "Dispensation of disparity of cult, registered in the Chapel, further details will follow in a letter." "And in the letter, the dispensation is described in its necessary elements, closely corresponding to the copy written word for word by the Most Reverend Lord Marchetti. It is stated in the letter that the Archive was opened by force, without the knowledge and perhaps against the will of the Chancellor," "forcing the lock of the Archive with a crowbar, we could have the records of the marriage dispensations; from them it appears that on September 17, 1887, Dr. Chapelle made a request and obtained a dispensation of disparity of cult for Mary Reid, a Catholic, and Frederic Parkhust." Thus, the copy made by the Most Reverend Lord Marchetti is as it is, where Parkhust is neither noted as a Catholic, nor as one who has not been baptized.

8. The objection was, in order to diminish the credibility of the books, that the Register of the Curia was begun on January 2, 1873, but the first dispensation concerning an impediment of disparity of cult was recorded in 1885; therefore, for eleven years, only on the 4th day, there was no recorded dispensation, while in a space of thirty months, 120 are recorded; no dispensation from an impediment of mixed religion is recorded for eleven years, while from the beginning of the year 1885 until the month of September 1887, 642 are recorded.

[*Latin ed. p. 590*]

Acts of the Apostolic See. - Official Commentary. 590 such dispensations. The Most Reverend Fathers noted that the objection was of little importance, because the Reverend Marchetti had examined the books and reported that they were legitimately completed. However, a simple and highly probable explanation presents itself, which convinces: the objection rests on a false premise; namely, that the series of numbers referred to by the Reverend Father Marchetti includes all the dispensations recorded in the same book. On the contrary, it was observed by the Most Reverend Fathers that there are two series of numbers, in which respectively are noted the dispensations concerning disparities of cult and mixed marriages, which, according to the mandate of the Apostolic See, are to be recorded in the register, as an obligation in the formula "facultatum," by which Ordinaries are ordered to render an account to the same Apostolic See of the number of cases in which they have granted

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dispensations at the end of each three-year period. Thus, in the formula cited by Putzer, "Commentary on Faculties, Apostolic," published in New York in 1898. Formerly, faculties were granted for a period of ten years, but every three years, it was necessary to report how many cases had been dispensed with. Subsequently, it became customary to grant faculties for a period of five years, and every five years, it was necessary to report the number of dispensations granted. Therefore, at the end of the three-year or five-year period, the series of numbers was concluded, and an account was rendered to the Holy See. In the books, a new series of numbers was then instituted. Therefore, if we assume that the first three-year period began in January 1873, with the beginning of the register in the case in question, the fourth three-year period would have ended at the end of the year 1884, and the fifth would have begun in January 1885, and in fact, the first dispensation of this series was granted on February 2, 1885; therefore, all the dispensations granted during the first 12 years should be considered to have been recorded in the register, even though they are contained in other series of numbers. In light of these facts, the following observations are made regarding the law: Although Mary and her mother claim, contrary to the statements of the Lords Chapelle and Parkhust, that they did not know of the lack of baptism in the godfather, yet, if it is conceded that Mary was mistaken, this mistake does not amount to a mistake of the person, or to a flaw in the substance of the act, since it is true that Mary "did not even think about it." "No, it never entered my head." The intention, however, which Mary expresses: "I married Frederick Parkhust as a baptized Protestant," "no, I married him with the idea that he was "a baptized Protestant," is equivalent to an interpretative will. Therefore, in this case, we are dealing with a concomitant error, or with an interpretative will, and all Doctors are unanimously of the opinion that such errors do not invalidate a contract in general, nor marriage in particular; argument, chapter 18, on betrothals. Since, from such an error which does not vitiate the act according to natural law, canon law has not established any impediment, lest countless marriages...

[*Latin ed. p. 591*]

In the Roman Court, 591 cases were presented, raising doubts and subject to litigation. For he who takes a wife desires to unite himself with a wife who is healthy, honest, and of good character; but the marriage does not lose its value if the wife does not possess these qualities. Thus, Cardinal D'Annibale, III, 444; Cardinal Gasparri, De Matrimonio, n. 786; Wernz, De Matrimonio, n. 227. Furthermore, concerning this matter, even if it were certain that Mary did not know that Frederick was not baptized, it could not be determined that the marriage is null; this point of accusation was truly overlooked by the defenders in the present action. Moreover, the judges inquired whether a legitimate dispensation had been granted from the

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impediment of disparity of cult, and whether it had been validly demanded for execution according to the rules of law. It is established beyond doubt that the Baltimore Curia, endowed with faculties granted by the Sacred Congregation of Propaganda Fide, according to the customary formula D, which concerning the impediment of disparity of cult states: "To dispense with their subjects concerning the impediment of disparity of cult, so that it may be done without offense to the Creator, and so that, at the same time, all conditions prescribed by the Church are observed, especially concerning the danger of the conversion of a non-Catholic spouse, and concerning the care to be taken for the conversion of an unfaithful spouse as far as possible, and concerning the upbringing of all children in the sanctity of the Catholic religion; with the addition of the printed instructions attached." Given this granted power, it seems clear that the Baltimore Curia granted the dispensation in a pure and gracious manner. For it is written in the form of the concession that Mr. Chapelle simply requested a dispensation, and that the spouses were, therefore, not dispensed with; or, in other words, no dispensation was granted. In the case where a dispensation is to be granted by the executor, some delegation is contained, which could not have been granted in the theme itself, due to the terms in which the power to delegate is granted, as stated in the words. Indeed, in the commentary on these faculties, Putzer, page 402, interprets the clause concerning delegation as follows: "Therefore, those other than the aforementioned (two or three) priests cannot validly act as dispensers; but only to inquire into the truth of the petitions (in the case where this inquiry is necessary)." In a purely commissary form, so that if the dispensation is to be granted by the executor, some delegation is contained, which could not have been granted in the theme itself, due to the terms in which the power to delegate is granted, as stated in the words.

[*Latin ed. p. 592*]

Acta Apostolicae Sedis. - Official Commentary. 592 (It is not valid until the relation of the dispensation has been made) and the dispensation granted from the parts [involved] is communicated. Indeed, these three priests cannot be delegated [authority] unless under the following conditions: a) That they are located in the more remote parts of the diocese or are working there, etc. . . . "The executor is instructed to carry out the grace, after having examined the truth of the petitions; the grace is said to be granted in a mixed form, written in the style of the Roman Curia, and then truly the grace is already granted, although it must be preceded by an inquiry by the executor regarding the truth of the petitions. Thus, the Holy See today grants marriage dispensations, as testified by Cardinal Gasparri, op. cit., n. 363, and Wernz, op. cit., n. 638, so that the Curia of Baltimore could not grant the controversial dispensation in a purely commissorial form, but only in a gracious or pure or mixed form, so that the

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grace was actually granted at the time of the concession. The form in which the granting of the grace is indicated in the records of the Curia seems undoubtedly to express that the grace was granted in a purely gracious form. The Reverend Fathers also considered a difficulty regarding the granting of the dispensation itself, namely, that there was no mention of the reasons for granting the dispensation in the act of granting the dispensation; however, considering the nature of the case, it does not seem that there were any of the reasons required according to the style of the Roman Curia for a valid granting of the dispensation. Indeed, Cardinal Gasparri teaches, I. c., n. 423: "The delegate cannot validly dispense unless for a canonical reason which is motivating in the practice of the Holy See, and he must have, as if it were only an impulsive reason, or completely ineffective, that reason which is such in the practice of the Roman Curia; otherwise, he dispenses not only illicitly, but also invalidly." No less clear is the prescription contained in the tenor of the delegated powers, which are concluded as follows: "However, the Holy See willed, and indeed commands, that the aforementioned Bishop should use these powers only in cases of serious necessity." The Reverend Fathers A. A. noted the presumption of law which requires every act to be presumed to have been done correctly, until the contrary is clearly proven, extends even to the reasons for granting dispensations, which are presumed to have been morally considered, unless the contrary is proven. The authority of Cardinal D'Annibale, I, n. 233, is relevant, who teaches: "A probably just cause is sufficient to validly petition for a dispensation, but (because it is publicly expedient to exempt from scruples) it can be granted validly and lawfully. And in doubt whether it was granted for a just cause, it stands; and it is not revoked if it later appears to be less just. Indeed, whether one doubts whether the dispensation was properly requested, or whether it was reasonably or legitimately granted or communicated to the parties. These are valid even if we are dealing with a delegate or an executor of the dispensation, as noted by De Iustis, Dispens. matr., 1, 3, c. 1, n. 84; also."

[*Latin ed. p. 593*]

Rome, Canon 593. St. Alphonsus, Moral Theology, 1, 6, n. 902; Sanchez, On Matrimony, 1, 8, Disp. 21, n. 25. "The causes which are commonly considered sufficient must be carefully examined in the Roman Curia, not in a strict or categorical manner, and especially in regard to regions so different from our own customs, where they must be applied according to the prudent judgment of the Ordinaries." Indeed, in the United States of America, Catholics not only live mixed with non-Catholics, whether baptized or not, but the latter are far more numerous; hence, mixed marriages can be difficult to avoid. In the aforementioned instruction of November 15, 1858, which grants the faculty of dispensing, it is stipulated that these dispensations must be granted "only for very serious reasons." Furthermore, in

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this case, there was indeed such a serious reason: besides the other reasons about which the bride and groom could have acted with the Reverend Mr. Chapelle, and of which this judge was aware, there was certainly also that which is commonly mentioned by Doctors writing about these regions, namely, the fear of a greater evil, or the fear that the bride and groom, if denied a dispensation, would enter into marriage before a civil magistrate or a heretical minister; this reason is often present in the regions of the United States, as noted by Putzer, loc. cit., n. 219, page 382. Moreover, as the Fathers of the Plenary Council of Baltimore observed, "in these places, when a priest is already consulted about contracting the marriage, and matters have progressed to such a point that it is scarcely to be hoped that the marriage can be prevented by the warnings of the Church" (Conc. Baltimoren. II, n. 335, Collect. Lacen., vol. III, collect. 488); and such a probable fear undoubtedly constitutes sufficient reasons in our case, as is evident from the Instruction of the Sacred Congregation for the Propagation of the Faith, of May 9, 1877, ad II, and also from the words of the Fathers of the Plenary Council, who say: "Furthermore, a just and serious reason is absolutely required, without which it is entirely inadmissible to allow the faithful to expose themselves to grave dangers to the faith and morals, even with suitable precautions. In this matter, the circumstances of the place, the things, and the persons must also be considered, especially where there is a danger of a greater evil, so that, if a dispensation is denied, mixed marriages are not nevertheless contracted, and that clandestinely, without any precautions." And Cardinal Gasparri rightly notes, in a general sense, that "an absolute answer cannot be given, since the 'circumstances of each case' must always be considered" (loc. cit., n. 454). Furthermore, Mr. Chapelle himself had a thorough understanding of the family circumstances of the bride, for he said: "Moreover, I knew Mary Reid from her childhood, and her family, towards whom I devoted all my pastoral care, in order to restore harmony between the separated spouses and to guide the two brothers of Mary Reid to a Christian life."

[*Latin ed. p. 594*]

594 Acta Apostolicae Sedis. - Commentarium Officiale. institueretur ». To all those concerned, and especially to those experiencing familial discord, it cannot be denied that the marriage of Maria with Friderico brought a benefit to Maria, who was not endowed with a substantial dowry; moreover, Friderico was endowed with good morals and gave the best of promises concerning himself. He was not averse to religion, but rather, he readily presented himself as being easy and docile in receiving baptism, should it seem opportune to the Reverend Chapelle; therefore, it was reasonable to believe that he could, in the future, become a faithful and Catholic man through a faithful and Catholic woman. Indeed, considering the respect and veneration that Friderico showed towards the Catholic

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religion, its doctrines, and the prelates of the Church, it seemed that it would not be difficult to lead him to embrace the Catholic religion, all the more easily because he was not attached to any particular sect from the heart. Finally, it was noted that Friderico had been captivated by the greatest love for Maria, whom he has not yet forgotten, even after so many misfortunes; knowing this, the Reverend Chapelle, also considering the young age of the couple, for Maria had barely completed her seventeenth year, while Friderico was in his twenty-second year, and had not yet completed his studies, could not judge otherwise than that the force of love had a greater power to unite souls than the obstacle of disparity of religion had to separate wills. However, with regard to precautions, it was considered in the decree granting the faculties that the necessity of precautions should be clearly stated as a necessary condition for a valid dispensation; in the aforementioned instruction, the following are stated: "Therefore, it follows that this Holy See, to which alone the power of dispensing over such impediments of mixed religion belongs, if, mitigating something of the severity of the canons, it sometimes permits these mixed marriages, it does so with great reluctance, and only under the express condition of the necessary and appropriate precautions, so that, indeed, the Catholic spouse may not be perverted by the non-Catholic spouse, but rather that the Catholic spouse himself should strive, as far as he can, to lead the non-Catholic spouse away from error, and also that all the offspring of both sexes born of these mixed marriages should be entirely educated in the sanctity of the Catholic religion. These precautions can never be waived or dispensed with, since they are founded on the natural and Divine law, which the Church and the Holy See strive to protect with all diligence, against which, without a doubt, those who rashly enter into these mixed marriages, or who conceive children from them, thereby exposing them to the danger of perversion, commit a very grave sin." These precautions, indeed, cannot be waived or overlooked, because they are founded on...

[*Latin ed. p. 595*]

In the matter of mixed marriages, it is clear, according to Divine Natural Law and with regard to the promise not to prevent the Catholic party from remaining Catholic and to ensure that the children conceived are raised in the Catholic religion, that there can be no doubt, as considered by Cardinal Gasparri, I, chapter, paragraph 452, and by Cardinal D'Annibale, III, paragraph 437, who states, "It is true, because this condition (namely, these two aforementioned conditions) does not change the nature of the impediment; rather, if these are not observed, it is as if the dispensation had not been granted." The third promise, namely, that the Catholic spouse is obligated to, as far as possible, lead the non-Catholic spouse away from error, seems to pertain more to the precept of charity; therefore, it can be expressly

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demanded or dispensed with by the Church, as considered by Cardinal Gasparri in I, chapter, and by D'Annibale in I and the aforementioned citation. As for the form in which the assurances were given in this case, they were made orally and without written documentation, as testified by Mr. Chapelle in his testimony: When asked whether assurances had been given and how, he replied: "Indeed, but verbally. And, as far as I know, the man has kept his promises." And when Mr. Parkhust was asked about these assurances, he replied, referring to the facts as he explains them: "During the years that Maria - Reid was with me, as my wife, she enjoyed complete freedom regarding the practice of her religion. I frequently attended the Catholic Church with her and urged her to remain faithful to it. The two children, now living, who were born from that marriage, were baptized with my approval. During the period between their birth and my separation from their mother, they attended church constantly with my approval and under my direction, and I attended church with them. Since I divorced their mother, they have continued in the practice of their Catholic religion with my approval and under my direction." And when Father Sweeny was asked: "Did you ask him the reason why he was raising his children as Catholics, and what did he say in response to that?" - He replied: "Yes, in conversation, he referred to the fact that he was raising his children in the Catholic faith in fulfillment of a promise made when he was married." The assurances given orally do not affect the validity of the dispensation: nothing is prescribed by common law or by the terms of the indult regarding the form of the assurances; therefore, a verbal promise is sufficient, provided it is sincere. This is what the Sacred Congregation for the Propagation of the Faith states in its letter of February 17, 1875, in Collect. S. C. de Prop. Fide (n. 1433, Vol. II.): "In order to grant a dispensation for mixed marriages, it is essential only to have the promise of the usual assurances, which must be so sincere that the Bishop can be morally certain that they will be observed by the non-Catholic spouse."

[*Latin ed. p. 596*]

Acta Apostolicae Sedis. - Commentarium Officiale. 5. 98 « et adempita fedelmente » Vernz, Ius matr., n. 510, not. 41; Putzer, I. c. p. 380. Nec ius particulare illarum regionum aliquid aliud requirit praeter seriem promissionem : immo patres plenarii Concilii Baltimoren. II, n. 335 sic pastores monitos volunt : « moneantur tamen pastores ut in hisce promissionibus exigendis, fortiter quidem in re, in modo tamen suaviter se gerant, n e . . . utrumque sponsum exasperent, indeque mala oriantur graviora ». Quoad vero promissionem a parte catholica faciendam, ex processu id eruitur. Interrogata actrix, an huiusmodi cautiones spopon¬ derit?. - B. No. - Nihilominus postea asserit se huic scopo adlaborasse, narrans: « Sì, in tutte le maniere possibili e mediante relazioni coi sacer« doti più distinti ove io dimorava ». At etiam in hoc actrix discrepat a reo convento qui refert: « Mary

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Reid non ha fatto in qualunque « modo uno sforzo per indurmi a unire alla Chiesa Cattolica ». Quidquid sit de hoc , mulieris catholicae promissio seu cautio, ut iam animadversum est non est absolute necessaria ad tionis, prouti necessario praestandae substantiam sunt cautiones dispensaa parte infideli. Quae cum de facto observatae sint, post contractum coniugium, super¬ vacaneum est quaerere an promissae fuerint cautiones ante contractum: eo magis quia pars infidelis has nescivisset et hinc observare non potuisset nisi si antea denunciatae essent et intimatae. Sed alia occurrit diluenda exceptio oratricis, nempe non sibi seu actrici potuisse applicari dispensationem disparitatis cultus cum eam non petiisset, nec cognovisset tempore initi coniugii. Hoc affirmat actrix in supplici libello: « se per assurda ipotesi volesse sostenersi che la dispensa « si fosse potuta concedere ad insaputa dell' oratrice... etc. », iamvero in casu animadverterunt D D . A A . , rem versari in dubio iuris et in dubio facti. Nam in primis est valde dubium in facto, utrum actrix revera nesciverit aut saltem serio dubitaverit Fridericum non fuisse baptizatum, quum eius mater de hoc quaesierit a Sac. Sweeny, parocho loci Bangor, et responsionem omne dubium excludentem non obtinuit: ipsa actrix vero sciebat certo aliquam dispensationem necessariam esse, et se remiserat Dno Chapelle in ea persuasione. « Siccome il Dott. Chapelle « doveva sistemare la cerimonia nuziale ritenevo che egli avrebbe siste« mata ogni cosa regolarmente ». Aliunde actrix, et fassa est, se validum voluisse inire matrimonium itemque aperte affirmavit, defectum bapti¬ smatis non apposuisse contractui uti conditionem substantialem: ergo saltem implicite exquirebat necessariam dispensationem ut actus valeret. Nec praetermittenda est attestatio Friderici Parkhust et Dñi Chapelle.

Acta Apostolicae Sedis. - Official Commentary. 5. 98 « and faithfully fulfilled » Vernz, Matrimonial Law, n. 510, note 41; Putzer, Ibid., p. 380. The particular law of those regions requires nothing other than a promise; indeed, the plenary fathers of the Baltimore Council, II, n. 335, thus exhort the pastors: « However, the pastors must be instructed to act with firmness in the matter, but with gentleness in their manner, so that they do not... exasperate either party, and thus cause more serious evils to arise ». Regarding the promise to be made by the Catholic party, this is deduced from the proceedings. The witness was asked whether she had made such promises. - B. No. - Nevertheless, she later asserts that she strove to achieve this goal, stating: « Yes, in every possible way and through relationships with the most distinguished priests where I resided ». But even in this, the witness contradicts the opposing party, who states: « Mary Reid did not make any effort to persuade me to join the Catholic Church ». Whatever the case may be, the promise or caution of a Catholic woman is not absolutely necessary for the validity of the marriage, as the essential guarantees must be provided by the non-Catholic party. If these have in fact been observed after the marriage contract, it is superfluous to inquire whether the promised

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guarantees were made before the contract; all the more so, since the non-Catholic party would not have known of them and therefore could not have observed them unless they had been announced and made known beforehand. But another objection raised by the plaintiff must be addressed, namely, that the dispensation from disparity of cultus could not have been applied to her, since she did not request it, nor did she know about it at the time of the marriage. The witness affirms this in her written statement: « If, by an absurd hypothesis, one were to maintain that the dispensation could have been granted without the knowledge of the plaintiff... etc. », but in this case, the DD. AA. have noted that the matter involves a doubt of law and a doubt of fact. For, in the first place, it is very doubtful in fact whether the witness truly did not know, or at least seriously doubted, that Frederick was not baptized, since her mother inquired about this from Fr. Sweeny, the pastor of Bangor, and did not receive a response that excluded all doubt; moreover, the witness herself knew for certain that some dispensation was necessary, and she had entrusted the matter to Mr. Chapelle with that understanding. « Since Dr. Chapelle « was to arrange the wedding ceremony, I believed that he would arrange everything properly ». Elsewhere, the witness, and rightly so, affirmed that she did intend to validly enter into marriage, and also openly stated that the lack of baptism had not been made a substantial condition of the contract; therefore, she was at least implicitly requesting the necessary dispensation for the act to be valid. The testimony of Frederick Parkhust and Mr. Chapelle should also not be overlooked.

[*Latin ed. p. 597*]

In the Roman Rota, No. 597, it is established that Lady Mary Reid, before marriage, knew that Mr. Parkhust had not been baptized, and that she had requested from Father Chapelle a dispensation for this impediment. However, it is well known that a request for a dispensation, even if implicit, is sufficient. Cardinal Gasparri, in *De Matrimonio*, No. 428, teaches: "A request for a dispensation, made by the parties themselves, even implicitly, or made by a third person on their behalf, even implicitly, for example, by performing all that is necessary for the celebration of the marriage, implicitly contains an acceptance of the dispensation." Furthermore, it was observed in the case that, if the assertion of the plaintiff were true, namely that she only discovered the lack of baptism in Frederick on the occasion of the birth of their first child, and that she would never have entered into the marriage had she known this, it is not understood how she, nevertheless, lived with him for ten years in conjugal life, without attempting to lead him to receive baptism, or accusing the marriage of nullity. Therefore, this doubt regarding the facts is sufficient to rule in favor of the validity of the marriage. Moreover, there is also a doubt of law, as the Doctors inquire whether a dispensation granted without knowledge is

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valid. D'Annibale writes that the prevailing opinion is that it is not valid, but that this is a matter of considerable controversy. Therefore, if someone has not requested this grace themselves, nor knows that it has been granted by another, and nevertheless has, perhaps, benefited from it, then one must rule in favor of the validity of the marriage. Emilius Gasparri also holds this opinion, concluding: "In cases of doubt, the marriage must be favored." *De Matrimonio*, No. 398, and Vernz, *I.c.*, No. 641, note 215. Therefore, this exception raised by the plaintiff does not outweigh the evidence. Finally, the silence of the parochial registers is raised, which the defendants claim demonstrates that the dispensation was either not granted or not carried out. However, it was determined that this exception does not benefit the plaintiff's case, for as previously demonstrated, the books of the Curia of Baltimore clearly testify that a dispensation was granted, as was proper, in a suitable manner. Furthermore, the Instruction of the Holy Office of January 20, 1883, and the Sacred Congregation of the Propagation of the Faith, Vol. II, No. 587, paragraph 45, state that, with regard to the proof of the dispensation, the following should be observed: "In order to prove whether an inquiry or its dispensation intervened, the marriage books or even the records of the Curia should be consulted, in which these matters should be accurately recorded." Therefore, the same source of proof is either the parochial book or the register or protocol of the Curia; from which it is also derived that, by no law, it is required that such dispensations be recorded in the parochial books for the sake of their validity. Although it is admitted that Mr. Chapelle may have been somewhat negligent, as noted by Mr. Marchetti in his report, it is certain that Mr.

[*Latin ed. p. 598*]

Acta Apostolicae Sedis. - Official Commentary. - 598. Chapelle supplied this deficiency in his sworn testimony. It is undoubtedly the case that the attestation of the parish priest effectively remedies the defects of prior marriage records, and that omissions are presumed to be for the sake of justice: This has been affirmed repeatedly by the Holy Office, as in Decree 127, no. 39, p. 12. Recently, that is to say: "A defect in the description in the book does not, by the attestation of the parish priest, cause prejudice to either party, nor does it indicate negligence on the part of the parish priest." However, the actress impugns the very testimony of the parish priest, as if it were not consistent with her own responses, concerning the baptism of Mr. Parkhust; indeed, it appears doubtful whether the defect in his baptism was known to the actress before the celebration of the marriage. Certainly, in the first interrogation, she responded: "I do not remember," while in the second, she expressly affirmed that both she and her mother knew Mr. Parkhust to be lacking baptism. Stonor confirms. - But, on the contrary, no contradiction was observed regarding the things asserted by the aforementioned Reverend gentlemen; they affirm one thing and deny an-

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other, since in the first interrogation, they assert that they do not remember, while in the other, they state that they knew before the marriage that Mr. Parkhust had not been baptized. More serious are the things reported by the aforementioned advocate concerning a conversation held in Rome with Reverend Chapelle. But even these are easily explained if one considers that, after many years (14) from the celebration of the disputed marriage, it is likely that there was forgetfulness of those things that preceded the marriage, especially in a parish priest who had attended not one or two, but many and various marriages, and also in a man who had already been chosen for the highest rank of the priesthood and was administering a vast diocese. It should be added that Reverend Chapelle was questioned unexpectedly, and therefore unprepared, by Mr. Lombardi, and therefore, in the second conversation with the same priest, Lombardi, he immediately stated: "Now I am certain that the marriage is valid, and I have received information." Regarding this forgetfulness, Reverend Chapelle himself testified, to Mr. Lombardi, in the same context, stating: "He repeats that he did not remember anything about the circumstances, namely that the Lady Reid made them wait." Nevertheless, despite this forgetfulness, he has always been consistent in affirming the validity of the marriage. In this struggle of conflicting testimonies, it is proper to recall the legal principle by which the status of the case is established, as was done in Decree 434, no. 7, p. 1, recently, c. Calcagnin, where it is stated: "When something has been done, it is always presumed to have been done legitimately rather than illegitimately, especially in order to remove suspicion from a parish priest, a virtuous and learned man." Regarding his dili-

[*Latin ed. p. 599*]

In the city of Rome. The Reverend Mr. Mackin, formerly an assistant priest at Chapelle, testifies in these proceedings: "Dr. Chapelle was very careful in examining the parties involved, and he was very diligent in ensuring that any necessary dispensation was requested." The same is testified by another assistant priest, Kervich. Because in other cases, Mr. Chapelle noted in the marriage documents that the parties had obtained dispensations for disparity of cult or mixed religion, it seems more fitting to accuse him of negligence, and to posit a hypothetical situation: namely, that Parkhust was, in fact, considered to be baptized, or at least that there was some doubt, at least in the common opinion, as to whether he had been baptized or not. Indeed, the Reverend Sweeny states: "I wrote to her (Mary) for that purpose, and I understood that he belonged to a Methodist family." "I have no proof of this idea, beyond a general rumor." Therefore, it is not surprising that the memory of the priest Chapelle wavered considerably some time later, when questioned about this matter, although at the time of the marriage, he, as he should have, obtained a dispensation for disparity of cult; but he refused to note this in the parochial records, or to affirm

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the lack of baptism, lest it displease one or the other party, especially the groom, who was generally considered to be baptized, being certain that, from this, no prejudice would arise to the validity of the act, since the dispensation was noted in the records of the Curia. This is confirmed by the Reverend Mr. Chapelle himself, who stated: "I did not mention in the record of the said marriage... the dispensation obtained, because I did not consider it necessary, since, according to the law, it is required that all these things be noted in the book of the Archdiocesan Curia of Baltimore, from which the dispensation was obtained." Finally, the Lords Auditors noted that the arguments presented by the plaintiff, whose duty it was to prove them conclusively, were not based on a solid foundation, and that, from the records and documents presented in the case, the marriage had not been disturbed from its possession; therefore, all rights demand that a response be given in accordance with their value. Having carefully considered and pondered all of these things, and invoking the name of Christ, We, the undersigned Auditors sitting for the Tribunal, and with only God before our eyes, decide, declare, and definitively pronounce: That there is no proof of the nullity of the marriage in this case, or: We answer in the negative to the proposed doubt. We condemn the plaintiff to pay the judicial costs. Thus we pronounce, ordering the Ordinaries of the places and the ministers of the Tribunals to whom it pertains to enforce this our definitive sentence, and to proceed against those who resist, according to the form of the Sacred Canons. ACTA, vol. I I, n. 15. - 15 - 8 - 910. 40

[*Latin ed. p. 600*]

Acts of the Apostolic See. - Official Commentary. 600 and especially Canon 3, Session 25. Concerning the Reforms of the Council of Trent, with the executive and coercive means that will be more effective and appropriate for the circumstances. The Tribunal of the Roman See, on the 30th of June, 1910. Signed: M. Lega, Dean, Ponens, Gustavus Persiani. William Sebastianelli. Seraphinus Many. Franciscus Heiner. Ioannes Prior. Aloysius Sincero. Ioseph Mori. Fridericus Cattani. Antonius Perathoner. Ioseph Alberti. L. Eg S. 1 Sac. Tancredes Tani, Notary.

DIARY OF THE ROMAN CURIA

SECRETARY OF STATE

In the name of His Holiness, with a letter and a Brief from the Secretariat of State, he has deigned to appoint:

Domestic Prelates of His Holiness:

13th of July, 1910. - The Reverend Father Guglielmo Enrico Brown, of the diocese of Hexham and Newcastle, President of the College of St. Cuthbert

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14th of July. - The Reverend Father Melchiorre Faust, Dean of the law faculty in Assinins, diocese of Sault St. Maria and Marquette.

16th of July. - The Reverend Father Filippo R. Mac Devitt, of the diocese of Philadelphia, superintendent of the interdiocesan Union of Catholic Schools in the United States.

HONORS

The Holy Father, with a letter and a Brief from the Secretariat of State, has deigned to bestow the following honors:

The Grand Cross of the Order of St. Gregory the Great, civil class:

22nd of May, 1910. - To Dr. Felice Porsch, Vice-President of the Parliament in Prussia.

- To Mr. Alfredo of the Counts de Strachiwitz, a member of the same Parliament.

[*Latin ed. p. 601*]

Diarium Romanae Curiae? 601. The Use of the Insignia of the Same Order: June 24, 1910. – To the Most Noble Count Commendatore Agostino Caterini, of the diocese of Rome. The Commendatorship of the same Order, civil class: July 12, 1910. – To the Most Noble Engineer Uberto Gangel, of the diocese of Vienne. July 14. – To the Most Noble Signor Giuseppe de Bothmer, Grand Master of the Court of Her Royal Highness, Princess Anne Langravine of Hesse. The Commendatorship of the same Order, military class: July 19, 1910. – To the Most Noble Count Salvatore Salimei, Cadet of the Noble Pontifical Guard, of the diocese of Rome. The Knighthood of the Order of Saint Gregory the Great, civil class: July 15, 1910. – To the Most Noble Signor Enrico O'Kelly, Master of the Chapel, in Paris. The Knighthood of the same Order, military class: July 9, 1910. – To the Most Noble Lieutenant Eugenio Gasiorowski, instructor of cannonier students, in Traiskirchen. July 13. – To the Most Noble Doctor Mariano Tacchi-Venturi, captain physician of the Honorary Palatine Guard. July 19. – To the Most Noble Count Francesco Bezzi, first Guard in the body of the Noble Pontifical Guards. The Knighthood of the Order of Saint Sylvester the Pope: July 21, 1910. – To the Most Noble Signor Angelo Ferranti, formerly Director of the Cattolica Bank, of Fabriano.

THE DOMESTIC OFFICE OF HIS HOLINESS. By the Grace of Our Lord, with a letter from His Eminence, the Most Reverend Major Domo, the Holy See has deigned to appoint:

Secret Chamberlain, honorary: July 29, 1910. – Monsignor Domenico Spada, Minute-taker of the Secretariat of State.

Secret Chamberlain of Sword and Cape, honorary: August 3, 1910. – The Most Noble Signor Count Giovanni Battista d'Oncieu de la Bâtie, of the

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archdiocese of Chambéry.

[*Latin ed. p. 602*]

Acts of the Apostolic See. - Official Commentary.

Honorary Chamberlains in peacock blue: July 19, 1910. - Mons. Giovanni Zambarelli, of the archdiocese of Gaeta. July 27. - Mons. Giuseppe Fanti, of the archdiocese of Bologna.

NECROLOGY

August 9, 1910. - Mons. Severo Araujo y Silva, titular Bishop of Temno.

APPENDIX

FACULTIES GRANTED TO THE ORDINARYS OF GALLIAE REGARDING ECCLESIASTICAL GOODS*.

FROM AN AUDIENCE OF THE MOST HOLY FATHER.

On September 21, 1907.

The Most Holy Lord, Pope Pius, by Divine Providence, X, desiring to promote the spiritual welfare of the faithful, having considered the special circumstances in which the Catholic Church now finds itself in Galliae, and with regard to matters concerning the alienation of ecclesiastical goods, has deigned to grant the following faculties to the Ordinaries of that nation:

a) Faculties regarding immovable property.

I. 1. The Ordinaries are permitted, for the purpose of a just settlement, to deal with faithful who have legitimately acquired immovable property of the Church, or who have alienated property that was wrongfully taken without having been legitimately acquired, and with the heirs and successors of the aforementioned.

2. The Ordinary shall proceed, in making the settlement, with the knowledge of other Ordinaries if any are involved, and with the consent of those who canonically represent the respective pious institutions, and of others who have a canonical interest.

3. In determining the amount of the just settlement, the following shall be considered:

a) The real value of the funds at the time the settlement is initiated;

1. Cf. also the letters of the Sacred Penitentiary to the Ordinaries of Galliae concerning settlements regarding ecclesiastical goods, dated January 16, 1909 (Acts of the Apostolic See, vol. I, p. 239).

[*Latin ed. p. 603*]

603 Appendix. - Faculties granted to Ordinaries in Galliae. b) the price of purchase; c) the present status of the oratories; d) the extent to which the aforementioned orators have become wealthier to the detriment of the Church; e) pious obligations, of which, if they exist, particular account

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must be taken. Regarding, however, the redemption, condonation, or reduction of these same obligations, to the extent that it may be necessary, provision is made in the following paragraph 17. 4. It may be more just for the buyer to pay a price that exceeds the present value of the funds; to the heirs of those who unjustly possessed ecclesiastical property as mentioned above, but who have established or supported other pious causes. 5. The Ordinary shall, when a church, or lands on which sacred movable objects are situated, are involved, clearly warn the orators of the obligation they are bound to fulfill, under the direction of the Ordinary at the time, regarding what they can do for the preservation of the sacred, and that sacred objects in buildings and temples shall never be used for profane purposes or assigned to such purposes, and that this must be duly notified to their heirs and successors. 6. The sums of money received from the settlement, even if small, the Ordinary of sarum may, as soon as possible and to the extent to which they legally belong, invest in free title bearer bonds (valeurs au porteur) which competent individuals have recognized as safe, and preserve them for the benefit of the Holy See; he may not alienate them without the permission of the Holy See, nor may he exchange them, unless necessity dictates and there is no time to refer the matter to the Holy See. If the aforementioned sums pertain to a pious cause in another diocese, they shall be transmitted to the Ordinary of that diocese. If they pertain to religious orders or congregations, it is required that permission from the Holy See be obtained in each case. If the sums relate to a pious cause that has already ceased, or to a church in which divine services can no longer be celebrated, the Ordinary shall expend the proceeds for the benefit of another pious cause, especially for churches, priests, and poor clergy, as he judges best in the Lord, provided that Masses and other appropriate prayers are offered. 7. No document of the completed settlement shall be given to anyone; but if it is absolutely required, the Bishop may declare in writing to those who have settled their affairs that "they are exempt from and have fulfilled all obligations of conscience towards the Church with regard to the funds, etc." 8. The Ordinary may also admit to the settlement those faithful who, according to civil laws, are entitled to recover (action en reprise).

[*Latin ed. p. 604*]

Acta Apostolicae Sedis. - Commentarium Officiale. 604. (Regarding claims, revocations, or resolutions) for their own benefit, have claimed goods, whether real estate or movable property, which were given to the Church for the fulfillment of pious intentions; these goods, for as long as they are claimed, cannot be fully restored to the Church.

n. 9. Those who are culpable in the aforementioned matters, after having made amends as stated above, may, with due penance and reparation of scandal, in the best way possible, be absolved from ecclesiastical censures

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and penalties into which they have fallen, by the appropriate ecclesiastical authority, whether by themselves or by another person delegated for this purpose.

10. Those who, due to poverty, are unable to enter into an agreement, may be absolved with the obligation that, if their circumstances improve, they will satisfy the Church, and in the meantime, remove the scandal. Likewise, those who are immediately unable to fulfill the agreed-upon agreement, if they promise to fulfill it at an appropriate time, the scandal will be removed in the meantime.

11. The Ordinary shall instruct confessors that, if penitents who are in danger of death and are considered culpable in the aforementioned matters are presented to them, they should prudently urge them to make an agreement; if this cannot be obtained, either because time does not permit, or for other reasonable causes, it will be sufficient if the sick person imposes this obligation on their heirs, or seriously promises to undertake it if they recover, removing the scandal.

12. The Ordinary may, at his discretion, grant confessors, during Lent, or during sacred missions, or in urgent cases related to the Paschal precept, the faculty of absolving those who are immediately unable to enter into an agreement, provided that these individuals seriously promise to appeal to the Ordinary within two months of receiving absolution to obtain the agreement, removing the scandal in the meantime.

III.

13. It is permitted to the faithful to acquire goods belonging to the Church, provided that the scandal is removed and on the condition that they immediately proceed to make the agreement, as stated above.

14. If the goods in question belong to an Order or Congregation, the consent of the Superiors of that religious Congregation is required.

15. However, the Holy See expressly excludes churches, seminaries, as well as episcopal and parochial houses, for the purchase of which recourse must be made to the Holy See in each case.

[*Latin ed. p. 605*]

Appendix. – Faculties granted to the Ordinaries of Galliae. 605 16. The Ordinary shall be able to permit (indeed, he should encourage) that the faithful, who, according to civil laws, have the right, may exercise an action of recovery (action en reprise, en revendication, en révocation ou en résolution) for the purpose that pious obligations, according to the intention of the founders, may be fulfilled. However, the Ordinary has the faculty of granting to orators a partial remission of the recovered goods whenever special circumstances in a particular case occur, which, according to the prudent judgment and conscience of the same Ordinary, require it. IV. 17. To grant to those who have pious legacies or masses charged upon any

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goods, that they may redeem them by a given sum, the fruits of which shall annually provide sufficient and safe revenues for the complete fulfillment of said obligations. And if any condonation, either in whole or in part, should seem to be granted, if they have not satisfied the obligations, or a reduction for the future, either for a time or perpetually, the Ordinary may do so, but after considering and pondering all circumstances and causes. The sum truly received from this redemption shall be safely invested by the Ordinary in free titles and carefully preserved, as mentioned above in n. 6. b) Faculties concerning movable goods and conditions. Furthermore, the Same Holy See grants to the aforementioned Ordinaries the following faculties, by which, either by themselves or through their spiritual vicars general, or through other suitable ecclesiastical persons specially delegated for this purpose, they may lawfully and freely: I. 18. To grant to the Christian faithful that they may lawfully acquire, after prudently removing scandal, and after making some alms, especially to the churches or persons to which the said goods belonged, a sum to be determined by the Ordinary or delegate, goods that are considered to be annual produce, fruits of the land, movable goods, or those that are to be included among the movable goods, which belong to churches or pious places, and which have been seized by the government; provided, however, that if the goods in question are not consumable by use, or if they can be preserved by being kept, the purchasers shall be obliged to deliver a list of these goods to the Ordinary, and to be ready to restore them to the churches or pious places, upon receipt of the agreed price; and to take care, as far as possible, that sacred furnishings, vessels, and utensils are transferred for use in other churches, and are not used for profane purposes.

[*Latin ed. p. 606*]

Acta Apostolicae Sedis. - Official Commentary. 606 II. 19. Provided that, under the same conditions as mentioned above, and after prior absolution with suitable salutary penance, those who have already acquired such goods may also benefit. III. 20. Furthermore, it is granted to the Christian faithful that, with the imposition of some alms in favor of the persons or churches to whom these goods rightfully belong, they may be permitted to dispose of, or to continue to possess, ecclesiastical goods which have been acquired by them, or by those who have acquired them from them, without the permission of the Holy See; and once they have sold them for a price that, according to the judgment of the Ordinary or his delegate, is less than the just value, they shall be obligated to make restitution, under the direction of the Ordinary, especially for the preservation of sacred buildings and temples which have been attached to these goods, and after prior absolution with salutary penance, so that they may lawfully dispose of them, and also to remove and repair any scandal. 21. Although it is desirable that such transactions be carried out for a limited time, His Holiness declares

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that there is nothing to prevent, if so ordered by the government or lessor, the lease from being for a period longer than three years, but still within ten years. 22. His Most Holy Father desires that leases of churches, seminaries, and houses belonging to parishes and dioceses be permitted only in cases of necessity or evident benefit to the Church. All contrary provisions to the contrary notwithstanding. Given in Rome, from the Vatican, on the aforementioned day, month, and year. L. © S. R. CARD. MERRY DEL VAL.

[*Latin ed. p. 607*]

Year II. - Vol. II. August 31, 1910. No. 16.

ACTA APOSTOLICAE SEDIS COMMENTARIUM OFFICIALE

ACTS OF THE HOLY SEE, OFFICIAL COMMENTARY

ACTS OF POPE PIUS X

LETTER TO THE ARCHBISHOPS AND BISHOPS OF FRANCE

TO PIERRE HECTOR NOS COULLIÉ, BELOVED SON, CARDINAL PRIEST OF THE HOLY ECCLESIASTICAL SUPREME COUNCIL, ARCHBISHOP OF LYON; LOUIS HENRI LUÇON, CARDINAL ARCHBISHOP; PAULIN PIERRE ANDRIEU, CARDINAL ARCHBISHOP; AND THE OTHER VENERABLE ARCHBISHOPS AND BISHOPS OF THE HOLY ROMAN CHURCH, OUR BELOVED BRETHREN, GREETINGS AND APOSTOLIC BENEDICTION.

Our apostolic office compels us to diligently safeguard the purity of the faith and the integrity of Catholic discipline, to protect the faithful from the dangers of error and evil, especially when error and evil are presented in alluring language, which, by obscuring vague ideas and ambiguous expressions under the guise of fervent sentiment and the resonance of words, can inflame hearts with causes that are seductive but disastrous. Such were the doctrines of the so-called philosophers of the eighteenth century, those of the Revolution, and of liberalism, and even today, the theories of the *Sillon*, which, under their seemingly brilliant and generous appearances, too often lack clarity.

ACTA, vol. II, no. 16. - August 31, 1910. 41.

[*Latin ed. p. 608*]

608 Acta Apostolicae Sedis. - Commentarium Officiale. concerning logic and truth, and, in this regard, do not belong to the Catholic and French spirit. We have hesitated for a long time, Venerable Brothers, to publicly

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and solemnly express our opinion concerning the Sillon. It was necessary that your concerns be added to ours in order to decide us to do so. For we love the valiant youth enlisted under the banner of the Sillon, and we believe them worthy in many respects of praise and admiration. We love its leaders, in whom we delight to recognize elevated souls, superior to vulgar passions, and animated by the noblest enthusiasm for good. You have seen them, Venerable Brothers, filled with a very keen sense of human fraternity, going to meet those who work and who suffer, to uplift them, supported in their devotion by their love for Jesus Christ and the exemplary practice of religion. This was in the wake of the memorable Encyclical of our predecessor of blessed memory, Leo XIII, on the condition of workers. The Church, through the mouth of its supreme head, had poured out upon the humble and the poor all the tenderness of its maternal heart, and seemed to call forth from its desires ever more numerous champions for the restoration of order and justice in our troubled society. Did not the founders of the Sillon, at the opportune moment, offer their services with young and devout troops for the realization of its desires and its hopes? And, in fact, the Sillon raised among the working classes the banner of Jesus Christ, the sign of salvation for individuals and nations, nourishing its social activity with the sources of grace, imposing respect for religion in the least favorable circles, accustoming the ignorant and the impious to hear of God, and often, in contradictory conferences, before a hostile audience, arising, awakened by a question or a sarcasm, to loudly and proudly proclaim their faith. These were the good times of the SU-

[*Latin ed. p. 609*]

Acta Pii PP. X 609 "Indeed, this was its attractive side, which explains the encouragements and approvals that the Episcopate and the Holy See did not spare it, as long as this religious fervor could conceal the true nature of the Sillon movement. For, it must be said, Venerable Brothers, our hopes were, in large part, disappointed. A day came when the Sillon, to the eyes of those who are discerning, displayed alarming tendencies. The Sillon was straying. Could it have been otherwise? Its founders, young, enthusiastic, and full of confidence in themselves, were not sufficiently armed with historical knowledge, sound philosophy, and solid theology to confront, without peril, the difficult social problems towards which they were drawn by their activity and their hearts, and to protect themselves, in the realm of doctrine and obedience, against liberal and Protestant infiltrations. Counsel was not lacking to them; admonitions followed the counsel; but we have had the sorrow of seeing both the advice and the reproaches slip away from their fleeting souls and remain without effect. Matters have come to this point that we would betray our duty if we kept silent any longer. We owe the truth to our dear children of the Sillon, whom a generous zeal has led down a path that is both false and dangerous. We owe it to a large number

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of seminarians and priests whom the Sillon has withdrawn, if not from the authority, at least from the direction and influence of their bishops; and finally, we owe it to the Church, into which the Sillon sows division and of whose interests it compromises. First of all, it is necessary to severely denounce the claim of the Sillon to escape the direction of ecclesiastical authority. Indeed, the leaders of the Sillon allege that they operate on a terrain that is not that of the Church; that they pursue only interests of the temporal order and not of the spiritual order; that the Sillonist is simply a Catholic devoted to..."

[*Latin ed. p. 610*]

Acta Apostolicae Sedis. - Commentarium Officiale. 610 The causes of the working classes, the democratic movements, and drawing upon the practices of their faith, the energy of their devotion; that they are no more nor less than artisans, farmers, economists, and Catholic politicians, they remain subject to the rules of the common morality, without being, nor more nor less than them, in any special way, subject to the authority of the Church. The response to these subterfuges is all too easy. How could one believe that the Catholic Sillonists, the priests and seminarians enrolled in their ranks, have in view, in their social activity, only the temporal interests of the working classes? We believe it would be an injury to them to suggest such a thing. The truth is that the leaders of the Sillon proclaim themselves irredeemable idealists, that they claim to uplift the working classes by first uplifting the human conscience, that they have a social doctrine and philosophical and religious principles to rebuild society on a new plan, that they have a special conception of human dignity, of liberty, of justice, and of fraternity, and that, to justify their social aspirations, they appeal to the Gospel interpreted in their own way, and, what is even more serious, to a distorted and diminished Christ. Furthermore, they teach these ideas in their study groups, they instill them in their comrades; they put them into practice in their works. They are therefore truly professors of social, civic, and religious morality; and, whatever modifications they may introduce into the organization of the Sillon movement, we have the right to say that the goal of the Sillon, its character, its action, belong to the moral domain, which is the proper domain of the Church, and that, consequently, the Sillonists are deluding themselves when they believe they are operating on a terrain at the borders of which expire the rights of the doctrinal and directive power of the Church. If their doctrines were free from error, it would already be a very grave breach of Catholic discipline, to...

[*Latin ed. p. 611*]

The acts of Pope Pius X, 611, stubbornly resisting the guidance of those who have received from Heaven the mission to guide individuals and societies on the right path of truth and goodness. But the evil is more profound,

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as we have already said: the "Sillon," carried away by a misguided love for the weak, has slipped into error. Indeed, the "Sillon" proposes the elevation and regeneration of the working classes. Now, on this matter, the principles of Catholic doctrine are established, and the history of Christian civilization stands as witness to its beneficial fruitfulness. Our predecessor, of blessed memory, recalled them in masterful pages that Catholics engaged in social questions must study and always keep before them. He taught, in particular, that Christian democracy must "maintain the diversity of classes, which is certainly the characteristic of a well-ordered state, and desire for human society the 'form and character that God, its author, has imprinted upon it.'" He condemned "a certain democracy that goes to the point of attributing sovereignty to the people in society and pursuing the suppression and leveling of classes." At the same time, Leo XIII imposed upon Catholics a program of action, the only program capable of restoring and maintaining society on its age-old Christian foundations. Now, what have the leaders of the "Sillon" done? Not only have they adopted a program and teaching different from that of Leo XIII (which would already be singularly audacious on the part of laymen thus positioning themselves, in competition with the Supreme Pontiff, as directors of social activity within the Church); but they have openly rejected the program outlined by Leo XIII and adopted one diametrically opposed; moreover, they reject the doctrine recalled by Leo XIII on the essential principles of society, placing authority in the people. "Let diverse orders be maintained, certainly proper to a well-ordered state; let it indeed desire for human society that form and character which God, its author, has given it" (Encyclical "Graves de communi").

[*Latin ed. p. 612*]

612 Acta Apostolicae Sectionis. - Commentarium Officiale. either they suppress it almost entirely, and take as their ideal the leveling of classes. They therefore, contrary to Catholic doctrine, strive towards an ideal that is condemned. We know well that they flatter themselves in elevating human dignity and the condition of the working classes, which is often scorned, in making the laws of labor just and perfect, and in improving the relationships between capital and employees, and finally, in establishing on earth greater justice and more charity, and, through profound and fruitful social movements, in promoting unexpected progress within humanity. And certainly, we do not blame these efforts, which would be, in every respect, excellent, if the "Sillonists" did not forget that the progress of a being consists in strengthening its natural faculties with new energies and in facilitating the activity of these faculties within the framework and in accordance with the laws of its constitution; and that, on the contrary, by harming its essential organs and by breaking the framework of their activity, one drives the being not towards progress, but towards death. How-

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ever, this is what they intend to do to human society; it is their dream to change its natural and traditional foundations, and to promise a future city built on other principles, which they dare to declare more fruitful and more beneficial than the principles on which the current Christian city rests. No, Venerable Brothers, – it must be forcefully reiterated in these times of social and intellectual anarchy, where everyone considers themselves a doctor and a legislator, – the city will not be built in any way other than the way God has built it; the society will not be built if the Church does not lay its foundations and direct the work; no, civilization is not to be invented anew, nor is a new city to be built in the clouds. It has been, it is; it is Christian civilization, it is the Catholic city. It is only a matter of constantly establishing and restoring it on its natural and divine foundations against the ever-renewed attacks of unhealthy utopianism, revolt, and impiety: omnia instaurare in Christo. And why should we not be accused of judging too summarily?

[*Latin ed. p. 613*]

613 The Acts of Pope Pius X, with undue severity, condemned the social theories of the *Sillon*. We wish to recall its essential points. The *Sillon* has the noble concern for human dignity. But this dignity, it understands in the manner of certain philosophers, from whom the Church is far from wishing to draw its teachings. The first element of this dignity is liberty, understood in the sense that, except in matters of religion, each man is autonomous. From this fundamental principle, it draws the following conclusions: Today, the people are under the tutelage of an authority distinct from itself, and it must free itself from this: political emancipation. It is dependent on employers who, holding its instruments of labor, exploit, oppress, and degrade it; it must shake off their yoke: economic emancipation. Finally, it is dominated by a class called the ruling class, to whom its intellectual development assures an undue preponderance in the direction of affairs; it must escape its domination: intellectual emancipation. The leveling of conditions from this threefold point of view will establish equality among men, and this equality is true human justice. A political and social organization founded on this double basis, liberty and equality (to which fraternity will soon be added), is what they call Democracy. Nevertheless, liberty and equality constitute only its, so to speak, negative side. What truly and positively constitutes Democracy is the greatest possible participation of each person in the government of public affairs. And this includes a threefold element: political, economic, and moral. First, in the political sphere, the *Sillon* does not abolish authority; on the contrary, it considers it necessary; but it wants to share it, or, to put it better, to multiply it, so that each citizen will become a kind of king. It is true that authority emanates from God, but it primarily resides in the people and is derived from it

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through election, or, even better, through selection, without thereby...

[*Latin ed. p. 614*]

614 Acta Apostolicae Sedis. - Commentarium Officiale. Quitting the people and becoming independent of it; it will be external, but only in appearance; in reality, it will be internal, because it will be an authority that is consented to. Maintaining the proper proportions, the same will hold true in the economic order. When removed from a particular class, patronage will be so multiplied that each worker will become a kind of patron. The form that is said to realize this economic ideal is not that of socialism; it is a system of sufficiently multiplied cooperatives to provoke fruitful competition and to safeguard the independence of workers who will be bound to none of them. Here now is the essential element, the moral element. As authority, as was said, is greatly reduced, another force is needed to supplement it and to offer a constant reaction to individual selfishness. This new principle, this force, is the love of professional interest and of the public interest, that is, of the very end of the profession and of society. Imagine a society in which, in the soul of each person, along with the innate love of individual and family well-being, there would reign the love of professional and public well-being; in which, in the conscience of each person, these loves would be so subordinated that the higher good would always take precedence over the lower good; could such a society not almost do without authority, and would it not offer the ideal of human dignity, with each citizen having a kingly soul, each worker a patron's soul? Freed from the narrowness of its private interests and raised to the interests of its profession, and even higher, to those of the entire nation, and even higher still, to those of all humanity (for the horizon of the *Sillon* does not stop at the borders of the homeland, but extends to all men to the ends of the world), the human heart, broadened by the love of the common good, would embrace all comrades of the same profession, all compatriots, all men. And there is the greatness and the ideal nobility of humanity realized by the famous trilogy: Liberty, Equality, Fraternity.

[*Latin ed. p. 615*]

Acta Pii PP. X. 615. These three elements, political, economic, and moral, are subordinate to one another, and it is the moral element, as we have said, which is paramount. Indeed, no political democracy is viable if it does not have deep roots in economic democracy. In turn, neither is possible if they are not grounded in a state of mind in which conscience is invested with moral responsibilities and energies proportionate to it. But suppose this state of mind, thus composed of conscious responsibility and moral forces, economic democracy will naturally emerge from it through the translation of this conscience and these energies into action; and likewise, and by the same means, political democracy will emerge from the corporate system;

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and political and economic democracy, the latter supporting the former, will be firmly established in the very conscience of the people on unshakable foundations. This, in summary, is the theory, one might say the dream, of the *Sillon*, and this is what its teaching aims for, and what it calls the democratic education of the people, that is, to bring to its maximum the conscience and civic responsibility of each individual, from which will flow economic and political democracy, and the reign of justice, liberty, equality, and fraternity. This brief exposition, Venerable Brothers, already clearly shows how right we were to say that the *Sillon* opposes doctrine to doctrine, that it builds its city on a theory contrary to Catholic truth, and that it distorts the essential and fundamental notions that govern social relations in all human society. This opposition will emerge even more clearly from the following considerations. The *Sillon* primarily places public authority in the people, from whom it then derives to the rulers, but in such a way that it continues to reside in the people. However, Pope Leo XIII formally condemned this doctrine in his encyclical.

[*Latin ed. p. 616*]

Acta Apostolicae Sedis. - Official Commentary. 616 "Diuturnum illud" from the political treatise, where he says: "Many moderns, following in the footsteps of those who, in the preceding century, called themselves philosophers, declare that all power comes from the people; consequently, those who exercise power in society do not exercise it as their own authority, but as an authority delegated to them by the people, and under the condition that it can be revoked by the will of the people from whom they hold it. Catholics, however, hold a different view, deriving the right to command from God, as from its natural and necessary principle."

Certainly, *Le Sillon* traces this authority back to God, but it places it first in the people, but in such a way that "it rises from below to go above," while "in the organization of the Church, power descends from above to go below." But, furthermore, not only is it abnormal for the delegation to rise, but it is also of its nature to descend. Pope Leo XIII refuted this attempt to reconcile Catholic doctrine with the error of philosophism in advance. For he continues: "It is important to note here that those who preside over the government of the state can, in certain cases, be chosen by the will and judgment of the multitude, without repugnance or opposition to Catholic doctrine. But if this choice designates the ruler, it does not confer upon him the authority to govern; it does not delegate power, but designates the person who will be invested with it."

"Indeed, more recent individuals, following in the footsteps of those who, in the preceding century, inscribed the name of philosophers upon themselves, declare that all power comes from the people: therefore, those who exercise it in the state do not exercise it as their own, but as one entrusted to them by the people, and indeed, under this condition, that it

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may be revoked by the will of the people from whom it is entrusted. But Catholics dissent from these, who derive the right to command from God, as from a natural and necessary principle." *Discours de Rouen, 1907.*

MARC SANGNIER.

"It is important to note here that those who are to be in charge of the state can, in certain cases, be chosen by the will and judgment of the multitude, without..."

[*Latin ed. p. 617*]

Acta Pii PP. X. 617 "If the people remain the holders of power, what becomes of authority? It becomes a shadow, a myth; there is no longer a law in the proper sense, there is no longer obedience. *Le Sillon* has recognized this; for indeed, it demands, in the name of human dignity, the triple emancipation – political, economic, and intellectual – and the future society to which it strives will have no masters nor servants; the citizens therein will all be free, all comrades, all kings. An order, a precept, would be an attack on freedom, subordination to any superiority would be a diminution of man, and obedience a degradation. Is it thus, Venerable Brothers, that the traditional doctrine of the Church represents social relations, even in the most perfect society possible? Does not every society of independent and naturally unequal creatures require an authority that directs their activity towards the common good and that imposes its law upon them? And if in society there are found perverse beings (and there will always be), must not that authority be all the stronger, as the selfishness of the wicked becomes more threatening? Furthermore, can it be said with any reason that there is incompatibility between authority and freedom, unless one is gravely mistaken about the concept of freedom? Can it be taught that obedience is contrary to human dignity, and that the ideal would be to replace it with 'consent-based authority'? Did not the Apostle Saint Paul have in view human society in all its possible stages when he prescribed to the faithful that they be subject to every authority? Does obedience to men, as legitimate representatives of God, that is to say, in the final analysis, obedience to God, degrade man and reduce him below himself? Is the religious state, founded on obedience, contrary to the ideal of human nature?

[*Latin ed. p. 618*]

Acta Apostolicae Sedis. - Commentarium Officiale.

"Quare, sicut diximus, sicut sicut sicut

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for society and for each of its members, through fraternity, or as it is also called, through universal solidarity, it is necessary that there be unity of minds in truth, unity of wills in morality, and unity of hearts in the love of God and of His Son, Jesus Christ. Now, this unity can only be achieved through Catholic charity, which, therefore, alone can lead peoples on the path of progress towards the ideal of civilization. Finally, at the foundation of all the falsifications of fundamental social notions, the *Sillon* places a false idea of human dignity. According to it, man will truly be a man, worthy of that name, only from the day when he has acquired a conscious, strong, independent, and autonomous awareness, capable of doing without a master, obeying only itself, and capable of assuming and bearing, without failing, the most serious responsibilities. These are grand words with which human pride is exalted; like a dream that leads man, without light, without guidance, and without help, on the path of illusion, where, while awaiting the great day of full awareness, he will be devoured by error and passions. And when will this great day come? Unless human nature is changed (which is not within the power of the *Sillon*), will it ever come? Did the Saints, who have raised human dignity to its apogee, possess this kind of dignity? And are not the humble of the earth, who cannot rise so high, and who are content to modestly trace their own path, in the rank that Providence has assigned to them, fulfilling energetically their duties in humility, obedience, and Christian patience, worthy of the name of men, whom the Lord will one day draw from their obscure condition to place them in heaven among the princes of His people? We stop here our reflections on the errors of the *Sillon*. We do not claim to have exhausted the subject, for there would still be...

[*Latin ed. p. 621*]

I wish to draw your attention to other points, equally false and dangerous, for example, concerning its understanding of the coercive power of the Church. It is now important to consider the influence of these errors on the practical conduct of the *Sillon* and on its social action. The doctrines of the *Sillon* do not remain in the realm of abstract philosophy. They are taught to Catholic youth, and, moreover, they strive to live them. The *Sillon* considers itself the nucleus of the future city; therefore, it reflects it as faithfully as possible. Indeed, there is no hierarchy within the *Sillon*. The elite that leads it has distinguished itself from the mass through selection, that is, by imposing itself through its moral authority and its virtues. One enters freely, as one freely leaves. Studies are pursued there without a master, at most with a counselor. The study groups are true intellectual cooperatives, where each person is both master and student. The most absolute camaraderie reigns among the members, bringing their souls into total contact; hence, the common spirit of the *Sillon*. It has been defined as "a friendship." Even the priest, when he enters, lowers

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the eminent dignity of his priesthood, and, through the strangest reversal of roles, becomes a student, puts himself on the level of his young friends, and is no longer anything but a comrade. In these democratic habits and in the theories about the ideal city that inspire them, you will recognize, Venerable Brothers, the secret cause of the disciplinary shortcomings that you have so often had to reproach the *Sillon* for. It is not surprising that you do not find among the leaders and among their companions, even if they are seminarians or priests, the respect, docility, and obedience that are due to your persons and to your authority; that you feel from them a silent opposition, and that you regret seeing them completely evade [your authority], or, when they are forced by obedience, surrender themselves with de-

[*Latin ed. p. 622*]

622 Acta Apostolicae Sedis. - Commentarium Officiale. Concerning works not aligned with the Sillon movement. You represent the past; they are the pioneers of the future civilization. You embody hierarchy, social inequalities, authority, and obedience: institutions that have grown old, to which their souls, inflamed with a different ideal, can no longer conform. We have testimony of painful facts, capable of drawing tears; and we cannot, despite our patience, restrain a just feeling of indignation. How is it that your Catholic youth are inspired with distrust towards the Church, their mother? They are taught that for nineteen centuries, she has not yet succeeded in the world in establishing society on its true foundations; that she has not understood the social notions of authority, liberty, equality, fraternity, and human dignity; that the great bishops and great monarchs, who created and so gloriously governed France, did not know how to give to their people either true justice or true happiness, because they did not have the ideal of the Sillon! The breath of the Revolution has passed through this, and we can conclude that if the social doctrines of the Sillon are erroneous, its spirit is dangerous, and its education is harmful. But what then must we think of its activity within the Church, of one whose Catholicism is so meticulous that, unless one embraces its cause, one would, in its eyes, be considered an enemy within the Church, and one would understand nothing of the Gospel and of Jesus Christ? We believe it is important to emphasize this point, because it is precisely its ardent Catholicism that has brought the Sillon, even in recent times, valuable encouragement and illustrious support. Well! Faced with its words and deeds, we are compelled to say that, in its activity as in its doctrine, the Sillon does not satisfy the Church. First, its Catholicism is only compatible with the form of democratic government, which it considers to be the most

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favorable to the Church, and which, so to speak, it identifies with itself; it...

[*Latin ed. p. 623*]

623 The acts of Pope Pius X, therefore, demonstrate that he bound his religion to a political party. We do not need to demonstrate that the advent of universal democracy is irrelevant to the action of the Church in the world; we have already recalled that the Church has always left it to nations to choose the form of government they deem most advantageous for their interests. What we wish to affirm once again, following our predecessor, is that there is error and danger in, by principle, binding Catholicism to a particular form of government; this error and danger are all the greater when religion is combined with a type of democracy whose doctrines are erroneous. This is the case with the *Sillon*, which, by its very nature and for a specific political purpose, compromises the Church, divides Catholics, alienates the youth, and even priests and seminarians, from purely Catholic action, and wastes the vital forces of a part of the nation. And consider, Venerable Brothers, a surprising contradiction: it is precisely because religion must dominate all parties, it is by invoking this principle that the *Sillon* refrains from defending the Church that is under attack. Certainly, it is not the Church that has descended into the political arena; it has been drawn there, and for the purpose of mutilating and stripping it. Is it not therefore the duty of every Catholic to use the political weapons at his disposal to defend the Church, and also to force politics to remain within its own domain, and to concern itself with the Church only to render to it what is due? And yet, in the face of the Church thus violently attacked, one often has the pain of seeing *Sillonistes* cross their arms, unless, that is, they find it to their advantage to defend it; one sees them dictating or supporting a program that nowhere and in no way reveals the Catholic. This does not prevent the same men, in the midst of political struggle, and under the guise of provocation, from publicly displaying their faith. What does this mean, if not that there are two men in the *Silloniste*: the individual who is Catholic; the *Silloniste*, the man of action, who is neutral. There was a time when the *Sillon*, as such, was formally... *ACTA*, vol. II, n. 16. - 31-8-910. 42

[*Latin ed. p. 624*]

Acta Apostolicae Sedis. - Commentarium Officiale. 624. Catholique. En ce qui concerne la force morale, il n'en connaissait qu'une seule, la force catholique, et il proclamait que la démocratie serait catholique, ou qu'elle ne le serait pas. Un moment vint où il changea d'avis. Il laissa à chacun sa religion ou sa philosophie. Il cessa lui-même de se qualifier de catholique, et à la formule : "la démocratie sera catholique", il substitua cette autre : "la démocratie ne sera pas anticatholique", pas plus d'ailleurs qu'anti-juive ou anti-bouddhiste. Ce fut l'époque du plus grand Sillon. On appela à la

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construction de la cité future tous les ouvriers de toutes les religions et de toutes les sectes. On ne leur demanda que d'embrasser le même idéal social, de respecter toutes les croyances et d'apporter un certain apport de forces morales. Certes, proclamait-on, "les chefs du Sillon mettent leur foi religieuse au-dessus de tout. Mais peuvent-ils ôter aux autres le droit de puiser leur énergie morale là où ils peuvent? En revanche, ils veulent que les autres respectent leur droit, à eux, de la puiser dans la foi catholique. Ils demandent donc à tous ceux qui veulent transformer la société présente dans le sens de la démocratie de ne pas se repousser mutuellement à cause des convictions philosophiques ou religieuses qui peuvent les séparer, mais de marcher la main dans la main, non pas en renonçant à leurs convictions, mais en essayant de faire sur le terrain des réalités pratiques la preuve de l'excellence de leurs convictions personnelles. Peut-être sur ce terrain de l'émulation entre âmes attachées à différentes convictions religieuses ou philosophiques, l'union pourra-t-elle se réaliser." Et l'on déclara en même temps (comment cela pouvait-il s'accomplir?) que le petit Sillon catholique serait l'âme du grand Sillon cosmopolite. Récemment, le nom du plus grand Sillon a disparu, et une nouvelle organisation est intervenue, sans modifier, bien au contraire, l'esprit et le fond des choses, "pour mettre de l'ordre." 1 MARC SANGNIER, Discours de Rouen, 1907.

[*Latin ed. p. 625*]

Acta Pii PP. XI 625: "In opere et ordinando diversas vires activitatis. 'Le Sillon' manet semper unā anima, uno spiritu, qui se miscebit ad cohortes et inspirabit eorum activitatem." Et omnes cohortes novae, quae apparent autonomas, catholicae, protestantes, liberi sentientes, precantur ut ad opera adigantur. "Camaradae catholici inter se laborabunt in organisatione speciali ad se instruendos et educandos. Democratae protestantes et liberi sentientes eodem modo faciunt ex parte sua. Omnes, catholici, protestantes et liberi sentientes, iuventutem armabunt, non ad pugnam fraticidam, sed ad emulacionem generosam in campo virtutum socialium et civicorum." Hae declarationes et haec nova organisationis actionis Sillonisticae gravissima deliberationes exsequi iungunt. Ecce, a catholicis fundata est societas interconfessionale, ad reformandam civitatem laborandi, opera religiosa prae omnis; nam nulla vera civitas sine civitate morali, et nulla vera civitas morali sine vera religione: haec est veritas demonstrata, haec est factum historiae. Et novii Sillonistae non poterunt excusare se ut solum "in campo realitatum practicorum" laborabunt, ubi diversitas credendarum nihil importat. Dux eorum tam bene sentit hanc influentiam convictionum mentis in resultatum actionis, ut eos, quocumque religionis sunt, invitat "in campo realitatum practicorum probationem dare excellentiae convictionum personalium." Et recte, nam res practicae characterem accipiunt ex convictionibus religionis, sicut membra corporis, usque ad extrema sua, formam accipiunt ex principio vitali quod illud animat. Hoc dicto, quid

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sentiri debet de promiscuo statu in quo iuvenes catholici cum haereticis involuti erunt? MARC SANGNIER, Paris, Maius, 1910.

[*Latin ed. p. 626*]

626 Acta Apostolicae Sedis. - Commentarium Officiale. And of all sorts of unbelievers in a work of this nature? Is it not a thousand times more dangerous to the poor than a neutral association? What should be thought of this appeal to all heretics and all unbelievers to demonstrate the excellence of their convictions in the social sphere, in a kind of apologetic competition, as if this competition had not been going on for nineteen centuries, under less dangerous conditions for the faith of the faithful, and to the honor of the Catholic Church? What should be thought of this respect for all errors and this strange invitation, made by a Catholic to all dissidents, to strengthen their convictions through study and to make them ever more abundant sources of new strength? What should be thought of an association where all religions, and even free thought, can manifest themselves openly and freely? For the Sillonists, who in public meetings and elsewhere proudly proclaim their individual faith, certainly do not intend to silence others, nor to prevent the Protestant from affirming his Protestantism, and the skeptic his skepticism. Finally, what should be thought of a Catholic who, upon entering his study group, leaves his Catholicism at the door, so as not to frighten his companions, who, "dreaming of a disinterested social action," are reluctant to have it used for the triumph "of interests, cliques, or even convictions of any kind"? Such is the profession of faith of a new democratic committee for social action, which has inherited the greatest task of the old organization, and which, it says, "breaking the ambiguity maintained around the great Sillon, both in reactionary circles and in anticlerical circles," is open to all men "respectful of moral and religious forces, and convinced that no true social emancipation is possible without the leaven of a generous idealism." Yes, alas! The ambiguity is broken; the social action of the Sillon is no longer Catholic; the Sillonist, as such, does not work for a clique, and "the Church," he says, "cannot in any way be..."

[*Latin ed. p. 627*]

Acta PU PP, X. 627: "bénéficiaire des sympathies que son action pourra susciter." Truly, a strange insinuation! One fears that the Church might exploit the social action of the Sillon for a selfish and interested purpose, as if everything that benefits the Church does not also benefit humanity! A strange inversion of ideas: it is the Church that would be the beneficiary of the social action, as if the greatest economists had not recognized and demonstrated that social action, in order to be serious and fruitful, must benefit from the Church. But even more strange, frightening, and at the same time saddening, are the audacity and the levity of mind of men who call themselves Catholics, who dream of reshaping society under

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such conditions and of establishing on earth, above the Catholic Church, "the reign of justice and love," with workers coming from all places, of all religions, or without religion, with or without beliefs, provided that they forget what divides them: their religious and philosophical convictions, and that they put together what unites them: a generous idealism and moral forces "taken where they can be found." When one considers all that was required of strength, of knowledge, of supernatural virtues to establish the Christian city, and the sufferings of millions of martyrs, and the wisdom of the Fathers and Doctors of the Church, and the devotion of all the heroes of charity, and a powerful hierarchy born from Heaven, and rivers of divine grace, and all of this built, connected, permeated by the Life and the Spirit of Jesus Christ, the Wisdom of God, the Word made flesh, when one considers, let us say, all of this, one is frightened to see new apostles striving to do better with the combination of a vague idealism and civic virtues. What will they produce? What will come out of this collaboration? A purely verbal and chimerical construction, in which one will see reflected in a jumbled and seductive manner the words of liberty, justice, fraternity, and love, equality, and human exaltation, all based on a human dignity that is distorted. It will be a tumultuous agitation, sterile for the intended purpose.

[*Latin ed. p. 628*]

628 Acta Apostolicae Sedis. - Commentarium Officiale. This [proposal] is one that will be proposed and will benefit those who stir up crowds, but who are less utopian. Indeed, one can say that the *Sillon* movement carries socialism, its gaze fixed on a chimera. We fear that there may be even worse. The result of this intimacy in work, the beneficiary of this cosmopolitan social action, can only be a democracy that will be neither Catholic, nor Protestant, nor Jewish; a religion (for the *Sillon*, its leaders say, is a religion) more universal than the Catholic Church, uniting all men who have finally become brothers and comrades in "the Kingdom of God." - "One does not work for the Church, one works for humanity." And now, filled with the deepest sorrow, we ask, Venerable Brothers, what has become of the Catholicism of the *Sillon*? Alas! He who once gave such beautiful hopes, this clear and impetuous river, has been captured in its course by the modern enemies of the Church, and now forms nothing more than a miserable tributary of the great movement of apostasy, organized in all countries, for the establishment of a universal Church that will have neither dogmas nor hierarchy, nor rule for the mind nor restraint for the passions, and which, under the pretext of freedom and human dignity, would bring back into the world, if it could triumph, the legal reign of deceit and force, and the oppression of the weak, of those who suffer and who work. We know all too well the dark workshops where these harmful doctrines are elaborated, doctrines that should not seduce clear-minded

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people. The leaders of the *Sillon* have not been able to defend themselves; the exaltation of their sentiments, the blind goodness of their hearts, their philosophical mysticism mixed with a part of Illuminism, have led them to a new Gospel, in which they believed they saw the true Gospel of the Savior, to the point that they dare to treat Our Lord Jesus Christ with a supremely disrespectful familiarity, and that, their ideal being akin to that of the Revolution, they do not hesitate to make blasphemous comparisons between the Gospel and the Revolution.

[*Latin ed. p. 629*]

Acts of Pope Pius X, 629. To those who do not have the excuse of having escaped some tumultuous upheaval. We wish to draw your attention, Venerable Brothers, to this distortion of the Gospel and of the sacred character of Our Lord Jesus Christ, God and Man, which is practiced in the *Sillon* and elsewhere. As soon as the social question is broached, it has become fashionable in certain circles to first set aside the Divinity of Jesus Christ, and then to speak only of His supreme gentleness, His compassion for all human miseries, His urgent exhortations to love one's neighbor and to fraternity. Certainly, Jesus loved us with an immense, infinite love, and He came to the earth to suffer and die so that, united around Him, in justice and love, animated by the same sentiments of mutual charity, all men may live in peace and happiness. But for the attainment of this temporal and eternal happiness, He, with supreme authority, established the condition that one be a part of His flock, that one accept His doctrine, that one practice virtue, and that one allow oneself to be taught and guided by Peter and his successors. Furthermore, although Jesus was good to the erring and the sinners, He did not respect their erroneous convictions, however sincere they may have seemed; He loved them all in order to instruct them, to convert them, and to save them. If He called to Himself, to alleviate their suffering, those who toil and who suffer, it was not to preach to them the envy of a chimerical equality. If He raised up the humble, it was not to inspire them with the feeling of a dignity independent and rebellious to obedience. If His Heart overflowed with gentleness for the souls of good will, He also knew how to arm Himself with a righteous indignation against those who profane the house of God, against the miserable who scandalize the little ones, against the authorities who burden the people with heavy burdens without lifting a finger to alleviate them. He was as strong as He was gentle; He rebuked, threatened, and chastised, knowing and teaching us that often fear is the beginning of wisdom, and that...

[*Latin ed. p. 630*]

(330 Acta Apostolicae Sedis. - Commentarium Officiale. Sometimes, it has been necessary to cut off a member to save the body. Finally, He did not announce to future society the reign of an ideal happiness, from which

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suffering would be banished; but through His lessons and His examples, He traced the path of possible happiness on earth and of perfect happiness in Heaven: the royal way of the Cross. These are teachings which it would be wrong to apply only to individual life with a view to eternal salvation; they are eminently social teachings, and they show us in Our Lord Jesus Christ something other than a flimsy and powerless humanism. To you, Venerable Brothers, continue actively the work of the Savior of men through the imitation of His gentleness and His strength. Bend yourselves towards all miseries, so that no suffering escapes your pastoral solicitude, and so that no complaint finds you indifferent. But also, boldly preach their duties to the great and the small; it belongs to you to form the conscience of the people and of public authorities. The social question will be well on the way to being resolved when both, being less demanding of their mutual rights, fulfill their duties more exactly. Furthermore, since in the conflict of interests, and especially in the struggle with dishonest forces, the virtue of a man, his very sanctity, does not always suffice to ensure him his daily bread, and since social structures should be organized in such a way that, through their natural workings, they paralyze the efforts of the wicked and make accessible to every good will its legitimate share of temporal happiness, we earnestly desire that you take an active part in the organization of society for this purpose. And to this end, while your priests dedicate themselves with zeal to the work of the sanctification of souls, the defense of the Church, and to works of charity proper, you should choose some of them, active and of sound judgment, who possess the degrees of Doctor in Philosophy and in Theology, and who, by their –

[*Latin ed. p. 631*]

The acts of Pope Pius X, volume 631, thoroughly recounts the history of ancient and modern civilization, and you will apply these principles to the less elevated and more practical studies of social science, in order to bring them, at the opportune time, to the forefront of your works of Catholic action. However, let these priests not be led astray, in the labyrinth of contemporary opinions, by the mirage of a false democracy; let them not borrow from the rhetoric of the worst enemies of the Church and the people a language emphatic, full of promises as resounding as they are unrealizable. Let them be convinced that the social question and social science are not of recent origin; that, at all times, the Church and the State, fortunately in concert, have fostered fruitful organizations for this purpose; that the Church, which has never betrayed the happiness of the people through compromising alliances, has no need to distance itself from the past, but that it suffices to resume, with the cooperation of true workers of social restoration, the organizations broken by the Revolution, and to adapt them, in the same Christian spirit that inspired them, to the new environment created by the material evolution of contemporary society;

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for the true friends of the people are neither revolutionaries nor innovators, but traditionalists. This work, eminently worthy of your pastoral zeal, we desire that, far from hindering it, the youth of the *Sillon*, freed from its errors, may contribute to it, in due order and submission, a loyal and effective contribution. Therefore, turning to the leaders of the *Sillon*, with the confidence of a Father speaking to his children, we ask them, for their own good, for the good of the Church and of France, to yield their place to you. We certainly measure the extent of the sacrifice we are asking of them, but we know them to be generous enough to accomplish it, and, in advance, in the name of Our Lord Jesus Christ, of whom we are the unworthy representative, we bless them for it. As for the members of the *Sillon*, we want them to organize themselves by dioceses to work under your direction.

[*Latin ed. p. 632*]

(33§ Acta Apostolicae Sedis. - Commentarium Officiale. concerning their respective bishops, regarding the Christian and Catholic regeneration of the people, as well as the improvement of their condition. These diocesan groups will, for the time being, be independent of one another; and in order to clearly demonstrate that they have broken with the errors of the past, they will take the name of "Catholic Action Groups," and each of their members will add to their title of "Actionist" the same qualifier of "Catholic." It goes without saying that every Catholic Actionist will remain free to maintain, in addition, their political preferences, purged of everything that is not entirely in conformity, in this matter, with the doctrine of the Church. If, Venerable Brothers, any groups were to refuse to submit to these conditions, you should consider them as refusing, by their very act, to submit to your guidance; and, in that case, it would be necessary to examine whether they confine themselves to politics or pure economics, or whether they persevere in their former errors. In the former case, it is clear that you would have no more reason to concern yourselves with them than with the common faithful; in the latter case, you should act accordingly, with prudence but with firmness. Priests must remain completely outside of dissident groups and will content themselves with providing the assistance of the holy ministry individually to their members, applying to them, in the tribunal of Penance, the common rules of morality with regard to doctrine and conduct. As for the Catholic Action Groups, priests and seminarians, while promoting and supporting them, will abstain from joining them as members; for it is fitting that the priestly order remain above lay associations, even the most useful and animated by the best spirit. These are the practical measures by which We have deemed it necessary to sanction this letter concerning the Action Groups and the Actionists. May the Lord, We implore Him from the depths of our hearts, make these men and young people understand the serious reasons that

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have dictated it, and may He grant them the docility of heart, with the courage to demonstrate, before the Church, their...

[*Latin ed. p. 633*]

Acts of Pope Pius X, 633, concerning the sincerity of their Catholic fervor; and to you, Venerable Brothers, may it inspire them, since they are now yours, with sentiments of paternal affection. It is with this hope, and to obtain these so desirable results, that We wholeheartedly grant to you, and to your clergy and your people, the Apostolic Blessing. Given at Rome, near St. Peter's, on August 25, 1910, in the eighth year of Our Pontificate.

PIUS PP. X.

APOSTOLIC LETTERS.

I. THE TRANSFER OF THE FEAST DAY OF THE HEAVENLY PATRON TO A MORE CONVENIENT DAY IN THE ARCHDIOCESE OF CAESARAUGUSTANA.

PIUS PP. X.

Venerable Brother, greetings and the Apostolic Blessing.

From the very nature of the Supreme Apostolic office which We exercise on earth, nothing is more important to Us than that the Christian people should sanctify a solemn day of the Lord; and for this reason, We diligently consider all matters pertaining to the observance of ecclesiastical precepts. Following in the footsteps of Our predecessors, We seek the benefit of the Christian people, and if the observance of ecclesiastical precepts, and the cessation from servile works on certain days, should cause serious harm to the faithful, We strive to transfer the feast days to other days with Apostolic benevolence.

Indeed, when you, Venerable Brother, presented to Us, with true concern, your wishes that the feast day of Saint Mary Magdalene in the place commonly called "Armillas" within your Archdiocese of Caesaraugustana be transferred by Apostolic authority from July 22nd, on which day it is celebrated in the Church, to April 24th, because in July the work of harvesting is intense, and the inhabitants are scattered in the fields and can scarcely come together in the temple, We considered the reasonable cause and deemed it fitting to grant your request.

Therefore, by Our Apostolic authority, We hereby grant to you, Venerable Brother, the faculty, for the future and perpetually, in the place commonly called "Armillas" within your Archdiocese of Caesaraugustana, to

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transfer the twentieth.

[*Latin ed. p. 634*]

Acts of the Apostolic See. - Official Commentary. On the 634th day of July, it is declared that, unless it falls on a Sunday, it shall be observed as a working day; however, the feast of the Holy Mary Magdalene, the heavenly patroness of that same town, shall be transferred to the 24th day of April, and the faithful of that town shall be obliged to attend Holy Mass on that day, and to abstain from servile labor. We decree that these present letters shall always be valid and effective, and shall have their full and complete effect, and shall fully assist those to whom they apply, both now and in the future, in all things; and that in the aforementioned matters, whatever judges, ordinary or delegated, may judge and decide, and that they shall be declared void and null if, by anyone, knowingly or unknowingly, they should be attempted to be altered in any way, contrary to this. Notwithstanding our and the Apostolic Chancery's rule regarding the law not to be revoked, and other Constitutions, decrees, and ordinances, which, with special mention and derogation, may be contrary to this. Given in Rome, at St. Peter's, under the Fisherman's Ring*, on the 18th day of July, 1910, in the seventh year of Our Pontificate. R. L. S. CARD. MERRY DEL VAL, Secretary of State. II. THE CONFRATERNITY OF THE IMMACULATE CONCEPTION IN THE CITY OF AQUAVIVA, WITHOUT ANY DIOCESE, IS DECORATED WITH THE TITLE OF ARCHCONFRATERNITY IN HONOR. PIUS PP. X. For the perpetual memory of this matter. — It is clearly established that the Confraternity of the Immaculate Conception of the Virgin Mary was canonically erected in the city of Aquaviva, which is without any diocese, and that it is older than all other sodalities in that city. It was founded in the year 1606 with the purpose of promoting, among its members, the practice of Christian virtues, and devotion to the Virgin conceived without sin, and from then until our time, it has flourished in the number of its faithful, in piety, and in the zeal for promoting the divine cult. Indeed, the curators of the aforementioned sodality humbly implore Us to honor it with a special distinction, and We, considering this to be as agreeable to reason as it is in accordance with the practice and custom of Our predecessors, are pleased to grant this request freely and willingly. Therefore, with Our Apostolic authority, by the force of the present document, and in perpetuity, We decree that the Confraternity of the Immaculate Conception of the Virgin Mary in the city of Aquaviva, without any diocese, shall be decorated with the title of Archconfraternity in honor.

[*Latin ed. p. 635*]

The Holy Congregation of the Holy Office, with the desire to increase and adorn the devotion, decrees the following: We declare and establish that the title "Immaculate of Aquaviva" shall be added to the title "635

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Conception of the Virgin Mary," established in the city of Aquaviva, which does not belong to any diocese, for the Archiconfraternity dedicated to her honor. We decree that these present letters shall always exist and be firm and efficacious, and shall have their full and complete effect, and that they shall fully suffice for those to whom they pertain, now and in the future, in all things and through all things; and that, accordingly, in matters concerning these things, judgment and definition must be rendered by any ordinary or delegated judges, and that they shall be void and null if, in any way, anyone should attempt to alter them, knowingly or unknowingly, with any authority. Notwithstanding any apostolic constitutions and ordinances, and all other contrary things whatsoever. Given in Rome, at St. Peter's, under the seal of the Fisherman, on the nineteenth day of July, 1910, in the seventh year of Our Pontificate.

R. CARD. L. £B S. a MERRY DEL Secretis VAL, Status.

HOLY CONGREGATION OF THE HOLY OFFICE CONCERNING THE RENEWAL OF DOCTRINE, WHICH THEY CALL ESCHATOLOGICAL. DECREE. Thursday, March 2, 1910.

Since it was reported to this Holy Sacred Congregation of the Holy Office that the doctrine of the Renewal, as they call it, Eschatological, which had already been condemned by the Sacred Congregation of the Index, in books and periodicals, among which the aforementioned "Jésus-Roi" is to be mentioned first, which was published in Poitiers, is still being disseminated among the faithful; the Most Eminent and Reverend Lords Cardinals, Inquisitors General in matters of faith and morals, in a plenary session held on the aforementioned Thursday, having carefully considered all things, decided: "That the doctrine of the Eschatological Renewal is to be condemned."

The resolution of the Most Eminent Fathers was, on the following Friday, March 3 of the same month and year, graciously approved and confirmed by the Most Holy Lord Pope Pius, by divine providence, PP. X, in his usual audience, given to the Reverend Father Assessor of the Holy Office.

Aloisius Castellano, Secretary of the Holy Roman Church and State.

[*Latin ed. p. 636*]

636 Acta Apostolicae Sedis. - Official Commentary. SACRED CONSISTORIAL CONGREGATION

I. CONCERNING THE REMOVAL FROM OFFICE AND BENEFICE OF A CURATE. DECREE. It has always been the greatest concern of the Church that men selected from the number of priests, who strive for integrity of life and perform their duties fruitfully, should preside over the Christian people and look to the salvation of souls. Although, so that these pastors might more readily undertake what they judge to be useful or necessary for the parish, without fear of being removed from office

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at the will of the Ordinary, a general rule has been established that they should remain stable in their office; nevertheless, because this stability is conducive to the salvation of the faithful, it has been prudently provided that it should not be so rigidly enforced that it leads rather to their detriment. Therefore, if anyone destroys the flock entrusted to him more than he builds it up, he must, according to the most ancient and constant custom of the Church, be deprived of his benefice, that is, removed from the parochial office, by a due legal judgment, for the crime. But if there is no place for a criminal judgment and penal punishment according to the law, and if, for this reason or that, even through a remote fault, the parish priest does not perform, or cannot perform, a useful ministry in the parish, or if, perhaps, his very presence becomes harmful; other remedies remain to be employed for the sake of the salvation of souls. Foremost among these is the removal of the parish priest, which is commonly called economic or disciplinary, and which is decided upon administratively, without any judicial process, and the parish priest does not receive a punishment, but rather the benefit of the faithful is considered. For the salvation of the people is the supreme law: and the ministry of the parish priest was instituted in the Church, not for the benefit of him to whom it is entrusted, but for the salvation of those for whom it is conferred.

[*Latin ed. p. 637*]

637. The Most Holy Congregation Consistorial. Indeed, since the canonical laws concerning removal appeared not entirely clear and evident, the group of Consultors and Eminent Fathers entrusted with composing the ecclesiastical code undertook to examine this matter separately and with repeated study; after deliberation, they judged it necessary to establish a more precise regulation by which this important part of ecclesiastical discipline would be governed. When the Most Holy Lord Pope Pius PP. X had seen and approved of these studies, in order to proceed more safely in this matter of such great importance, he also deemed it necessary to inquire into the opinion of this Most Holy Congregation Consistorial. Once this was obtained and approved, so that the Church might, without delay, benefit from the new regulation, a decree was issued by this Most Holy Congregation, by which new norms concerning the administrative removal of a pastor from office or benefice are promulgated, and these same norms are established as canonical law for the entire Church, to be observed properly and religiously by all to whom they apply. These norms are contained in the following canons. I. – Concerning the causes required for removal. Canon 1. The causes for which a pastor may be removed administratively are these: 1. ° Insanity, from which, according to the judgment of experts, it does not appear that he can be completely and permanently cured without danger; or for which the pastor's reputation and authority, even if he should recover, has suffered such a loss among the people that it is judged

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harmful to retain him in office. 2. ° Incompetence and ignorance which render the pastor unfit for the proper performance of his sacred duties. 3. ° Deafness, blindness, and any other infirmity of the soul or body, which render the priest permanently or even for a long time unfit for the necessary duties of caring for souls, unless this impediment can be adequately remedied by a coadjutor or vicarious. 4. ° Hatred of the people, even if unjust and not universal, provided that it is of such a nature that it impedes the pastor's ministry and is not reasonably foreseen to be avoided. 5. ° Loss of good reputation among upright and serious men, whether this arises from the pastor's dishonest or suspicious manner of living.

[*Latin ed. p. 638*]

Acta Apostolicae Sedis. - Official Commentary. 638 or from another of its evils, or even from an ancient offense of the same kind, which, having been discovered recently, can no longer be punished by prescription; or if it proceeds from the actions and faults of family members and relatives with whom the parish priest lives, unless their departure provides sufficient provision for the good reputation of the parish. 6. ° An offense which, although concealed in action, can reasonably be foreseen by the prudent Ordinary to become public, causing great offense to the people. 7. ° Negligence in the administration of temporal affairs, causing serious damage to the church or benefice; whenever this evil cannot be remedied by removing the administration from the parish priest or by other means, and the parish priest otherwise performs his spiritual ministry usefully. 8. ° Persistent neglect of parochial duties after one and then another warning, and in a matter of grave importance, such as in the administration of the sacraments, in the necessary assistance to the sick, in the instruction of the catechism and the explanation of the Gospel, in the observance of residence. 9. ° Disobedience to the commands of the Ordinary after one and then another warning, and in a matter of grave importance, such as avoiding familiarity with a certain person or family, taking care of the due order and cleanliness of the house of God, exercising moderation in the collection of parochial taxes and the like. The warning, as mentioned above under the final double number, must be given in the manner of a peremptory and paternal announcement of imminent removal, verbally and by the Ordinary, not secretly to all, but in such a way that it is legitimately recorded in the acts of the Curia. II. - Regarding the procedure to be followed in general. Canon 2. § 1. The procedure to be followed to arrive at administrative removal is as follows: first of all, the parish priest must be invited to resign; if he refuses, a decree for removal shall be issued; if he appeals against the decree of removal, the proceedings shall proceed to a review of the acts and to the confirmation of the previous decree. § 2. The rules established below in this procedure must be observed so that, if they are violated in matters that affect the substance,

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the removal itself is null and void.

[*Latin ed. p. 639*]

639 Sacred Congregation Consistorial. III. — Concerning those persons who are necessary for making the determination. Canon 3. § 1. In the invitation made to the parish priest, the title of renunciant shall be omitted, and in the decree of removal, in order that the Ordinary may act legitimately, he cannot proceed alone; but he must associate with him two examiners, concerning whom the Sacred Council of Trent decreed in chapter XVIII, session XXIV, concerning reform, and must require their consent in all acts for which this is expressly required here; in other matters, he shall seek their counsel. § 2. In the revision of the decree of removal, whenever this necessity arises, he shall appoint two parish priests as consultants, whose consent or counsel he shall require, in the same manner as is stated above concerning the examiners. Canon 4. The following law shall be observed everywhere concerning the selection of examiners and parish consultants: § 1. If a synod is held, according to established norms, as many shall be chosen as the Ordinary, by his prudent judgment, deems necessary. § 2. Between one synod and another, if examiners or parish consultants die, or cease from their office for some other reason, the Ordinary shall replace them with others, with the consent of the Cathedral Chapter, and, if this is lacking, with the consent of the diocesan consultants. § 3. This rule shall also be observed when examiners and parish consultants are chosen, whenever a synod is not held. § 4. Examiners and consultants, whether chosen in a synod or outside of a synod, fall from office after five years from their appointment, or even sooner, with the arrival of a new synod. However, they may be chosen again, provided that the legally required procedures are observed. § 5. They cannot be removed by the Ordinary during the five years, unless for a grave reason and with the consent of the Cathedral Chapter, or the diocesan consultants. Canon 5. § 1. The examiners and parish consultants who are to be appointed by the Ordinary in the cause of removal shall not be anyone, but two of the most senior in terms of age and ecclesiastical standing.

[*Latin ed. p. 640*]

Acta Apostolicae Sedis. - Official Commentary. 640 actions; and in cases of equal standing, the senior members are preferred by reason of their priesthood, or, if that is lacking, by reason of age. § 2. Those among them who, for a reason recognized by law, appear evidently suspect, may be excluded by the Ordinary before he undertakes the matter to be considered. For the same reason, the parish priest may object against them as soon as the case comes before him. § 3. If either or both of the two aforementioned examiners or consultants are hindered or excluded, a third or fourth shall be appointed in the same order. Canon 6. § 1. Whenever in the following

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canons it is expressly stated that the Ordinary must proceed with the consent of the examiners or consultants, he must resolve the matter by secret ballots, and that opinion will be considered approved which has received at least two favorable votes. § 2. However, whenever the Ordinary may proceed with the advice of the examiners or consultants, it is sufficient that he hears them, and he is not bound by any obligation to follow their opinion, even if it is unanimous. § 3. In both cases, a written report of the consequences of the scrutiny shall be made, and signed by all. Canon 7. § 1. The examiners and consultants must, under a grave oath, maintain the secrecy of the office concerning all that they know by reason of their duties, and especially concerning secret documents, discussions held in council, the number of votes, and the reasons for them. § 2. If they act contrary to this, they shall not only be removed from their duties as examiners and consultants, but may also be punished by the Ordinary with a suitable penalty, proportionate to the gravity of the offense, with due regard to the laws, and furthermore, they are bound to repair any damages that may have resulted therefrom. IV. — Concerning the invitation to resign. Canon 8. Whenever, according to the prudent judgment of the Ordinary, the parish priest appears to have fallen into one of the reasons previously mentioned in canon 1, the Ordinary shall summon two examiners established by law, shall disclose everything to them, shall discuss with them the truth and gravity of the case, so that it may be determined whether there is cause for a formal invitation for the parish priest to resign.

[*Latin ed. p. 641*]

Sacred Congregation of the Consistory.

Canon 9. § 1. This formal invitation must always precede any decree for removal, unless the case involves insanity, or whenever the method of invitation is not feasible, such as when the parish priest is absent.

§ 2. The decision must be made with the consent of the examiners.

Canon 10. § 1. Generally, the invitation must be made in writing. However, it may, if it seems more appropriate and expedient, be made verbally by the Ordinary himself, or by his delegate, in the presence of a priest who will serve as a notary, and a document of the invitation must be recorded in the court records for safekeeping.

§ 2. Along with the invitation to resign, the parish priest must be informed, either in writing or verbally, as above, of the cause or reason for which the invitation is made, and of the arguments upon which that reason is based, with due precautions as mentioned in canon 11, and the support of the examiners must be requested and obtained.

§ 3. If the case involves a hidden offense, and the invitation to resign is made in writing, only a general reason must be announced; however, the specific reason, along with the arguments by which the truth of the offense

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is proven, must be explained verbally by the Ordinary, in the presence of one of the examiners who will serve as a notary, and with the precautions mentioned above.

§ 4. Finally, whether the invitation is made in writing or verbally, the parish priest must be warned that, unless within ten days from receiving the invitation he presents his resignation, or demonstrates with convincing arguments that the causes invoked for removal are false, a decree for removal will be issued.

Canon 11. § 1. When presenting the arguments by which the truth of the cause for obtaining a resignation is proven, care must be taken not to reveal the names of witnesses or informants, if they have requested secrecy, or even if they have not requested secrecy, if it can be foreseen that they will be easily exposed to vexation.

§ 2. Furthermore, accounts and documents that cannot be publicly presented without the risk of great public offense, quarrels, or lawsuits must not be disclosed in writing; indeed, they should not even be disclosed verbally, unless with the utmost caution to prevent the aforementioned inconveniences from occurring.

[*Latin ed. p. 642*]

Acta Apostolicae Sedis. - Official Commentary. Canon 12. It is permissible for a pastor, having accepted an invitation with a specified time limit, to request a postponement for deliberation or to prepare a defense. The Ordinary may, for just cause, and with the consent of the examiners, grant such a postponement for another ten or twenty days, provided that this does not result in detriment to souls. Canon 13. § 1. If the pastor decides to accept the invitation made to him and to relinquish the parish, he may submit a resignation, provided that this is legitimately accepted by the Ordinary and is accepted. § 2. It is permissible for a pastor who is resigning to allege a different reason for resigning, other than the cause invoked by the Ordinary, provided that it is true and honest, e.g., to comply with the desires of the Ordinary. § 3. After the resignation has been submitted and accepted by the Ordinary, the Ordinary shall declare the benefice or office vacant by reason of the resignation. V. - Concerning the Decree of Removal. Canon 14. § 1. If the pastor, within the prescribed time, neither submits a resignation, nor requests a postponement, nor challenges the causes for removal, the Ordinary, after it has been established that the invitation to resign has been duly made known to the pastor, and that the pastor has not been legitimately prevented from responding, shall proceed to the decree of removal, observing the rules established in the following canons. § 2. However, if it is not established that the two aforementioned conditions are met, the Ordinary shall take appropriate measures, either by repeatedly inviting the pastor to resign, or by granting him a further period of time to respond. Canon 15. § 1. If the pastor wishes to challenge the

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causes for removal that have been invoked, he must, within the prescribed time, submit in writing his rights, with arguments directed solely to the purpose of challenging and overturning the cause for which the resignation is requested.

[*Latin ed. p. 643*]

Sacred Congregation of Councils, 643, § 2. He may also present two or three witnesses to corroborate some fact or assertion that is important to him, and request that they be examined.

§ 3. However, it is the duty of the Ordinary, with the consent of the examiners, to admit and question them, or some of them, if they are suitable and their examination seems necessary; or also, if the cause of removal is clear and the examination of the witnesses appears to be useless and intended to cause delays, to exclude them.

§ 4. If, after the allegations have been presented, a doubt arises that must be resolved in order to proceed safely, the Ordinary, with the advice of the examiners, even at the request of the parish priest, shall summon the witnesses who seem necessary, and, if necessary, question the parish priest himself.

Canon 16, § 1. In the examination of witnesses, whether ex officio or at the request of the parish priest, only those things shall be asked that are necessary to establish the truth safely, excluding any judicial formalities and any reproaches against the witnesses.

§ 2. The same rule shall be observed in the questioning of the parish priest, if it takes place.

Canon 17, § 1. If the parish priest is present and the documents and names of the witnesses are made known to him, he himself, if he can and wishes, shall object to those things that are presented against him.

§ 2. However, when the parish priest cannot be invited to present his rights according to canon 9, or when the names of the witnesses and some documents cannot be made known to him according to canon 11, the Ordinary shall use all diligence and efforts (or, as is commonly said, shall perform all due diligence) to ensure that a just judgment is made regarding the value of the documents and the credibility of the witnesses.

Canon 18, § 1. It is forbidden for the parish priest to create disturbances, to promote public subscriptions in his favor, to stir up the people with sermons or writings, or to do anything else that may impede the legitimate exercise of ecclesiastical jurisdiction, in order to prevent the renunciation or removal; otherwise, he shall be punished, according to the prudent judgment of the Ordinary, for the gravity of the offense.

§ 2. Moreover, when the matter concerns the good of souls and is to be resolved in an administrative manner, the parish priest, unless he is legitimately prevented, must be present himself, without the intervention

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of others. If, however...

[*Latin ed. p. 644*]

Acts of the Apostolic See. - Official Commentary. 644. If hindered, he may appoint a priest whom he deems suitable and who has been approved by the Ordinary as his procurator. Canon 19, § 1. After all that pertains to the just protection of the parish has been completed, the decree of removal must be discussed with the examiners by the Ordinary, and the matter must be decided by secret votes, according to the prescriptions in canon 6. § 2. No one should give a vote for removal unless he is certain that the cause for the removal has been truthfully presented to the parish priest and that it is a legitimate cause. Canon 20, § 1. If the conclusion is for removal, a decree must be issued by the Ordinary, in which it is generally stated that the parish priest is removed for the good of souls. However, the specific and particular cause for the removal may be expressed, at the prudent judgment of the Ordinary, if it seems expedient and without causing inconvenience. However, mention must always be made of the invitation to resign, of the allegations presented by the parish priest, and of the requested and obtained vote of the examiners. § 2. The decree must be brought to the attention of the priest; but it must not be promulgated unless a reasonable time has elapsed for the purpose of filing an appeal. Canon 21. If the conclusion is not for removal, the parish priest must be informed of this. However, the Ordinary should not fail to add admonitions, salutary advice, and precepts that seem appropriate or necessary, depending on the circumstances; and great consideration should be given to these, if the matter of the removal of that priest should arise again in the future. VI. - Concerning the revision of proceedings. Canon 22, § 1. Against the decree of removal, there is granted only an appeal to the same Ordinary for the revision of the proceedings before a new Council, which consists of the Ordinary and two parish priests as advisors, according to § 2, canon S. § 2. The appeal must be filed within ten days from the notification of the decree; and no remedy is granted against the expiration of the term, unless the parish priest proves that he was prevented by a force majeure from filing the appeal; in which case, the Ordinary must consider the matter with the examiners, whose consent is required.

[*Latin ed. p. 645*]

645 Sacred Congregation of Councils. Canon 23. After the appeal has been lodged, the pastor is granted a further ten days to present new allegations, observing the same rules that were established during the hearing before the examiners, except for the provisions of § 4, canon and following. Canon 24. § 1. The consultants, meeting with the Ordinary, must consider only two points: whether any formal defects have occurred in the previous proceedings that affect the substance of the matter, and whether the rea-

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son given for the removal is devoid of foundation. § 2. For this purpose, they must examine and consider all that has been done and presented previously. § 3. They may also, if necessary, inquire and question about matters that they deem necessary to ascertain in order to safeguard those two points mentioned in the discussion, and, if necessary, hear new witnesses. § 4. However, the pastor does not have the right to demand that new witnesses be summoned and examined; nor does he have the right to request further extensions of time to pursue his rights. Canon 25. § 1. The admission or rejection of the appeal must be decided by a majority vote. § 2. No further appeal is allowed against the resolution of this council. VII. – Concerning the provision of the removed priest. Canon 26. § 1. If a priest, having received an invitation, renounces it, or if a pastor is removed from his parish, the Ordinary, as far as possible, shall consult, either by transferring him to another parish, or by assigning him to some ecclesiastical office, or by granting him a pension, as the circumstances and available resources permit. § 2. In assigning the provision, the Ordinary must not fail to hear the examiners, or the parish consultants, if the case has reached them.

[*Latin ed. p. 646*]

Acta Apostolicae Sedis. - Official Commentary. 646 Canon 27. § 1. The Ordinary shall not assign a parish, unless a priest is found to be worthy and suitable for governing it; however, he may propose to the same priest a parish of equal, inferior, or even superior rank, as justice and prudence may seem to require. § 2. If the matter concerns a pension, the Ordinary shall not assign it unless the legally required provisions are observed. § 3. In equal circumstances, greater favor should be shown in the assignment to one who is resigning, than to one who is being removed. Canon 28. § 1. The Ordinary may reserve the matter of a priest's assignment after the cause of his removal has been completed, and generally, it should be expedited as quickly as possible. § 2. However, he may also propose and indicate this assignment in the very invitation to resign, or in separate letters, while the matter of the removal is pending, or even in the very decree of removal, if he deems it expedient. § 3. In any case, the question of a priest's future assignment should not be mixed with the present question of his removal from the parish; nor should it impede or delay the latter, if the good of souls requires that it be expedited. Canon 29. § 1. The priest who has resigned, or who has been removed from office, must, as soon as possible, relinquish the parish and all that pertains to it, including his home, and hand it over to the designated administrator. And if he unjustly delays, he may be compelled to do so by ecclesiastical sanctions. § 2. If the case concerns a sick person, the Ordinary shall allow him to use, even exclusively, the buildings of the parish, if necessary, until it can be conveniently transferred to another, according to the prudent judgment of the same Ordinary. In the meantime, the new pastor of the parish should take care to have some other temporary

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dwelling arranged within the parish for himself.

[*Latin ed. p. 647*]

Sacred Congregation of the Council of Trent.

Decree VI, Chapter VIII. Concerning those subject to this law.

Canon 30. In accordance with the rules established above, – these must be applied most strictly to all those who, by any title, hold the charge of a parish, whether they are called perpetual vicars, or assistants, or by any other name; however, this does not apply when a parish is entrusted to the care of a priest, either as a temporary administrator or as a vicar for a time, either because of the illness of the parish priest, or because of a vacancy in the benefice, or for some other similar reason.

Canon 31. § 1. If a parish priest is brought to justice as an accused criminal, pending a criminal trial, whether before an ecclesiastical or civil authority, there is no basis for his administrative removal; but the outcome of the trial must be awaited.

§ 2. However, if the crime involves a stain on reputation, the Ordinary can prohibit the parish priest from exercising pastoral care and administering the temporal affairs of the benefice; but these duties, with a suitable assignment of the fruits, shall be entrusted to a vicar or other person chosen by the Ordinary.

§ 3. Upon the conclusion of the criminal trial, there shall be grounds for the restoration of the parish priest, or for his administrative removal, or for his canonical deposition, as justice requires and the circumstances warrant.

Canon 32. In the name of the Ordinary, the General Vicar does not have authority over all that is established in this title, unless he is specially authorized to do so. Furthermore, in order that those things established in this decree may be carried out, the Most Holy Pope commands that all Ordinaries, as soon as possible, appoint certain advisors for each parish priest, according to the prescriptions of Canon 4. And with regard to examiners, if these are to be appointed within the diocese, either in the synod or outside the synod, it is decreed that, with the advice of the cathedral chapter or the diocesan council of consultors, they should either be confirmed in office (with this condition, that...)

[*Latin ed. p. 648*]

Acts of the Apostolic See. - Official Commentary. 648 (after ceasing to exercise their office for five years), or to a new examination and election, provided that the rule of Canon 4 is observed, as prudence and circumstances may suggest. If examiners are lacking in a diocese, their election, with the aforementioned stipulations observed, shall take place without delay. These provisions shall be valid, notwithstanding any contrary provisions. Given in Rome, on August 20, 1910. C. CARD. DE LAI, Secretary. L. & S. y Scipio Tecchi, Assistant. II. CONCERNING THE SECRET TO

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BE OBSERVED IN APPOINTMENTS TO EPISCOPAL SEATS. DECREE. Having been petitioned by certain Prelates, to extend the decree of the Most Holy Consistorial Congregation of March 30 of this year, 1910, concerning the secret to be observed in those appointed to episcopal sees, to their own dioceses and provinces where the same or a similar method of appointment prevails, His Holiness Pope Pius X, after consultation with the Sacred Consistorial Congregation, and in accordance with the petitions presented to him, in an audience granted on June 17 of the current year to the undersigned Cardinal, has decreed as follows: That the aforementioned decree, referring the appropriate to the appropriate, be extended to all the aforementioned regions, and that its prescriptions be strictly observed by all to whom they apply, notwithstanding any contrary provisions whatsoever. Given in Rome, on July 2, 1910. C. L. CARD. DE LAI, Secretary. S. Scipio Tecchi, Assistant. (See Acts of the Apostolic See, vol. II, no. 7, page 286).

[*Latin ed. p. 649*]

649. Sacred Congregation of the Consistory. III. CONCERNING COMPETENCE RELATING TO VOTIVE MASSES. The following doubts were proposed: 1. ° Whether the Sacred Congregation for the Discipline of the Sacraments has the authority to grant the faculty of celebrating a votive Mass, besides for the blind or those who are afflicted with some infirmity, as mentioned in the norms of the Roman Curia (part %, chapter 7, article 3, n. 10-g), even for those who have reached old age or are suffering from another illness; 2. ° Whether the same Sacred Congregation can, in the aforementioned cases, grant the faculty not only of celebrating a votive Mass of the Blessed Virgin or for the dead, but also [other votive Masses approved by the Holy See]. This Sacred Congregation of the Consistory, after hearing the opinion of the Consultor and after careful deliberation, judged that the following should be answered: affirmatively. Having received the report from the Most Eminent Cardinal Secretary, Our Holy Lord ratified and confirmed the aforementioned resolutions. August 16, 1910. Charles Perosi, Substitute. IV. ADDITION OF A TITLE TO THE ARCHBISHOP OF ACHERUNTUM. His Holiness Pope Pius X, by decree of this Sacred Congregation of the Consistory, August 5, 1910. — Granted to the Archbishop of Acheruntum and Matera, and to his successors in the archdiocese, the title of Abbot of Saint Angel of Montescaglioso (S. Angelo di Montescaglioso). V. APPOINTMENTS OF BISHOPS. His Holiness Pope Pius X, by decree of the Sacred Congregation of the Consistory, August 5, 1910. — Reverend Father Anthony Mary Bonito, at his own request, was transferred from the archiepiscopal see of Amalfi to the titular archiepiscopal see of

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Auxum.

[*Latin ed. p. 650*]

Acts of the Apostolic See. - Official Commentary. 650, August 6, 1910. – Reverend Father Dominic Mannaioli, at his own request, was transferred from the episcopal see of Monte Falisco to the titular episcopal see of Pomaria. Furthermore, the Most Holy Pope commanded that letters Apostolic, sealed with the papal seal, be issued regarding this matter, to expedite the legal process. CONCERNING THE AUTHORITY OF ROME AND OTHER PLACES TO GRANT DISPENSATIONS FROM MATRIMONIAL IMPEDIMENTS IN THE FACE OF IMMINENT DANGER OF DEATH. By a decree of the Holy Congregation for the Discipline of the Sacraments, published on May 14, 1909, it was established: "Any priest who, in accordance with article VII of the Decree *Ne temere*, in the imminent danger of death, where the parish priest or the local Ordinary, or a priest delegated by either of them, cannot be present, may validly and lawfully assist at the marriage, and may also grant dispensations regarding all impediments to marriage, even public ones, which are impediments according to ecclesiastical law, except for the sacred order of the priesthood and affinity in the direct line arising from a lawful marriage." Regarding this decree, a doubt was proposed to the same Holy Congregation: "Does this aforementioned decree also include parish priests, even if they have not been habitually delegated by their own Ordinaries, in accordance with the declaration of the Holy Office of January 9, 1889?" And after deliberation, the Holy Congregation judged that the answer should be: "Affirmative." Given from the offices of the same Holy Congregation, on July 29, 1910. D. CARD. FERRATA, Prefect. Ph. Giustini, Secretary.

[*Latin ed. p. 651*]

Diary of the Roman Curia. 651 DIARY OF THE ROMAN CURIA, SACRED CONGREGATION OF RITES. On the 16th day of the current month of August, in the Apostolic Palace at the Vatican, the Ordinary Congregation of the Sacred Rites was held, to discuss the following matters:

I. Introduction of the cause for beatification and canonization of the Venerable Servant of God, Joseph of Carabantes, professed priest and missionary of the Order of Friars Minor Capuchin.

II. Granting and approval of the Office and Mass proper for the feast of the Blessed Mary Magdalene Postel, foundress and first General Superior of the Institute of the Sisters of Christian Schools of Mercy.

III. Granting and approval of the Office and Mass in honor of the Blessed Virgin, under the title "Cause of Our Joy," for the Diocese of Soissons in France.

IV. Granting and approval of the Office and Mass in honor of Saint Hyacinth Casañeda, martyr of the Order of Preachers.

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V. Concerning the election and declaration of the Blessed Virgin Mary, known as of Guadalupe, as Patroness of all of Latin America.

VI. Review of the writings of the Venerable Servant of God, John Baptist Iossa, a Neapolitan layman.

VII. Review of the writings of the Venerable Servant of God, Elizabeth Sanna, a professed Franciscan tertiary.

On the 23rd day of the same month of August, before the Most Eminent and Reverend Cardinal Sebastian Martinelli, in place and instead of the Most Eminent and Reverend Cardinal Vincenzo Vannutelli, Promoter of the Cause, the Preliminary Congregation of the Sacred Rites concerning the heroic degree of virtues of the Venerable Servant of God, Andrea Hubert Fournet, priest, founder of the Congregation of the Daughters of the Cross, commonly called the Sisters of Saint Andrew, took place.

[*Latin ed. p. 652*]

Acta Apostolicae Sedis. - Official Commentary. 652

SACRED ROMAN ROTA

NAMES

The Holy Father, in the Audience of August 2, 1910, having received a report from the Most Reverend Dean regarding the ever-increasing number of matrimonial cases in this Sacred Tribunal, deigned to order that a SUBSTITUTE FOR THE DEFENSOR OF THE BOND be appointed, namely, the Reverend Professor Robert Vicentini.

SECRETARY OF STATE

APPOINTMENTS

His Holiness, through a letter and a Brief from the Secretary of State, deigned to appoint:

Bishop Assistant to the Throne: July 26, 1910. — Monsignor Guglielmo Walsh, Archbishop of Dublin, Primate of Ireland.

Protonotary Apostolic ad instar: August 22, 1910. — The Reverend Father Lodovico Augusto da Costa, parish priest in the diocese of Beja (Portugal).

Domestic Prelates: August 10, 1910. — The Reverend Father Giuseppe Quadrini, Canon Coadjutor in the Archbasilica Lateranense in ROMANA.

August 20. — The Reverend Father Bernardo Mac Givney, parish priest in Du Bois, in the diocese of Erie (United States of America).

— The Reverend Father Clemente Wienker, dean of the parish in Eleanor, in the same diocese (United States of America).

— The Reverend Father Michele Meagher, parish priest in Ridgway, in the same diocese (United States of America).

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HONORS

The Holy Father, through a letter and a Brief from the Secretary of State, deigned to bestow the following honors:

The Grand Cross of the Order of Saint Gregory the Great, civil class: August 1, 1910. — To Mr. Clemente, of the Marchi Sacchetti family, Coadjutor to the Major Treasurer of the Sacred Apostolic Palaces.

[*Latin ed. p. 653*]

Diarium Romanae Curiae. 653 The Commandery of the same Order, civil class: August 8, 1910. — To Mr. Pietro Wahlen, of the diocese of KolÃn. — To Mr. Alessandro Croci, of the diocese of Siena. The Knighthood of the Order of Pius: August 20, 1910. — To Mr. Baron Renato Pycke, of the diocese of Gand. The Knighthood of the Order of Saint Gregory the Great, civil class: July 23, 1910. — To Mr. Giovanni van den Mortel, of Tilburg. August 1, 1910. — To Mr. Agostino Lenti, of Rome. — To Mr. Giovanni Richard, a medical doctor in the archdiocese of Rennes. — To Mr. Giuseppe Felsmann, director of the Royal School of Budapest. August 2. — To Mr. Pio Pagliucchi, archivist in the Secretariat of State of His Holiness. August 3. — To Mr. Giacomo I. Ryan, of the archdiocese of Philadelphia. — To Mr. Gualtiero Giorgio Smith, of the same archdiocese. August 8. — To Mr. Cesare Gani, an engineer in Siena. The Knighthood of the Order of Saint Sylvester the Pope: July 29, 1910. — To Mr. Clodoveo Greggi, of Rome.

THE DOMESTIC OFFICE OF HIS HOLINESS, BY APPOINTMENT: The Holiness of our Lord, with a letter from His Excellency, the Reverend Monsignor, the Domestic Prefect, has deigned to appoint:

Extraordinary Secret Chamberlains: August 6, 1910. — Monsignor Francesco Saverio Kessler, of the diocese of Spires. August 17. — Monsignor Stanislao Szuman, of the diocese of Kamenick. — Monsignor Francesco Vaschetti, of the archdiocese of Turin. August 20. — Monsignor Antonio dos Santos Coelho, of the diocese of Beja. — Monsignor Stefano Bratanic, of the diocese of Lesina.

[*Latin ed. p. 654*]

Acta Apostolicae Sedis. - Commentarium Officiale 654. Camerarius honoris gladii et cappae, numerus: 8 Augusti 1910. — Dominus Comes Ottorino Gentiloni. Capellanus secretus honoris: 20 Augusti 1910. — Reverendissimus Dominus Rocco Corronza, ex archidioecesi Buenos Ayres. NECROLOGIUM Augusti 1910. — Reverendissimus Dominus Rocco Anselmini, Episcopus Nocerae. — Reverendissimus Dominus Edoardo Dunne, Episcopus Dallas (Novum Orleans — Texiae, Civitates Americae).

[*Latin ed. p. 655*]

Year II. - Volume II. September 9, 1910. No. 17. ACTA APOSOLICAE

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SEDIS. OFFICIAL COMMENTARY. ACTS OF POPE PIUS X. BY PAPAL ACT, CERTAIN LAWS ARE ESTABLISHED TO COUNTER THE PERIL OF MODERNISM. We believe that no sacred prelate is unaware, that most grievous of men, the Modernists, having cast aside the person they had assumed, through the Encyclical Letters *Pascendi Dominici Gregis*, have not abandoned their plans to disturb peace in the Church. Indeed, they have not ceased to seek out new recruits and to form secret alliances, and with these, to insert the virus of their opinions into the very veins of the Christian commonwealth, under the guise of published books and commentaries, suppressing or denying the names of the authors. This maturity of audacity, which has caused us so much pain, if again carefully considered in light of our aforementioned letters, will easily reveal that these men are not other than those described therein, and are all the more to be feared, the closer they are; abusing their ministry, they offer poisoned bait to ensnare the unwary, carrying the appearance of doctrine, within which is contained the sum of all errors. While this poison flows through a part of the Lord's field, from which happier fruits might have been expected, all prelates...

1 Dated August 8, 1907. ACTS, Volume II, No. 17. - 9 - 9 - 9 1 0. 44

[*Latin ed. p. 656*]

Acts 656 of the Apostolic See. - Official Commentary. To labor for the defense of the Catholic faith, and with the utmost care to ensure that the integrity of the divine deposit suffers no detriment, pertains most of all to Us, the Savior Christ, who said to Peter, to whom, although unworthy, We hold the primacy: "Confirm thy brethren." For this very reason, that is, to strengthen those of good mind who are engaged in the present struggles, We have deemed it fitting to refer the sentiments and prescriptions of Our aforementioned document with these words: "We exhort and implore you, that in this matter of such great importance, you do not allow your vigilance, diligence, and fortitude to be lacking in the slightest degree. And what We ask and expect from you, We likewise ask and expect from all other pastors of souls, from educators and teachers of the sacred youth, and especially from the superiors of the highest religious families. I. As for studies, We wish to ensure that scholastic philosophy is established as the foundation of sacred studies. - Indeed, if anything has been sought by scholastic doctors with excessive subtlety, or if anything has been taught with insufficient consideration; if anything is less in harmony with the doctrines explored by later ages, or, finally, in any way is not probable; it must, in no way, be presented to our age as something to be imitated. - What We prescribe is that scholastic philosophy be followed, and We understand this primarily as that which was handed down by Saint Thomas Aquinas: concerning which, whatever Our Predecessor sanctioned, We desire that all of it be observed, and We restore and confirm what is necessary, and We com-

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mand that it be strictly observed by all. It will be the duty of Bishops to urge and demand that these things be maintained in seminaries, if they have been neglected there. We also command this to the superiors of religious orders. We warn teachers to observe this properly, not to abandon Aquinas, especially in matters of metaphysics. LEO XIII, Encyclical "Aeterni Patris."

[*Latin ed. p. 657*]

657 The Acts of Pope Pius X. A small error at the beginning, as the very words of Aquinas allow, is great at the end, and is not without great detriment. 1 With this philosophical foundation thus established, let the theological edifice be constructed with the utmost diligence. — Venerable Brothers, let the study of theology be promoted with all possible effort, so that those clerics who depart from the seminaries may be imbued with a distinguished understanding of it and a great love for it, and may always hold it in high esteem. For, among the great and numerous disciplines that are presented to the mind that yearns for truth, it is clear to no one that Sacred Theology claims such a prominent place, so that the ancient saying holds true: that all other sciences and arts have the duty of serving it, and of acting as if in the manner of servants. — We add that those also deserve our praise who, while maintaining due reverence for Tradition, the Fathers, and the ecclesiastical magisterium, and using wise judgment and Catholic norms (which does not happen equally to all), strive to illuminate positive theology, illuminated by the light of history. Indeed, a greater importance must be given to positive theology than before; but let this be done in such a way that it does not suffer any detriment to scholastic theology, and let those be condemned who, as if they were modernists, extol positive theology so much that they seem to despise scholastic theology. As for the profane disciplines, let it suffice to recall that you also diligently labor in the consideration of natural things: in this field, ingenious inventions and useful endeavors, as justly admired by our equals, will be celebrated by posterity with perpetual commendation and praise. 1 But let this be done without any detriment to the sacred studies; for our Predecessor wisely said: 3 Our Predecessor warned us with these most serious words: "For those who, if they investigate the causes of errors more diligently, will understand that they are primarily located in this, that in these our times, the more vigorously the study of natural things flourishes,

1 *De Ente et Essentia*, preface.

2 LEO XIII, *Litt ap.*, x, December 1889.

3 Allocution, "Pergratus Nobis" to the cultivators of science, March 7, 1880.

[*Latin ed. p. 658*]

Acta Apostolicae Sedis. - Official Commentary. 658, all the more so that the disciplines have become more lax and corrupted: for some are almost

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forgotten by men; others are transmitted negligently and lightly, and what is more deplorable, they are infected with the perversity of opinions and monstrous errors, having lost the splendor of their former dignity. Therefore, 1 we wish to regulate the study of the natural disciplines in the seminaries. 11. To all of these precepts, it is necessary to add the considerations of Our Predecessor, when it comes to selecting and appointing moderators and teachers for Catholic seminaries or universities. Those who are in any way imbued with modernism must be excluded from any office or duty; if they already hold such positions, they must be removed. Likewise, those who openly or secretly favor modernism, or who praise modernists or excuse their faults, or who attack the Scholastic method, the Fathers, and the teaching authority of the Church, or who show disobedience to ecclesiastical authority, in whatever form it may be, must be excluded. Also, those who neglect sacred studies, or who seem to prefer profane ones – in this matter, Venerable Brothers, especially in the selection of teachers, vigilance and firmness must never be lacking; for the students are often formed by the example of the teachers. Therefore, mindful of our duty, act prudently and resolutely in this matter. With equal vigilance and severity, those who seek to be admitted to the sacred orders must be examined and chosen. Far, far be it from the sacred order the love of novelty: God hates proud and stubborn hearts! – Henceforth, no one shall be granted a doctorate in theology who has not previously completed a course of study in Scholastic philosophy. If it is granted, let it be considered void. – Concerning the celebration of the Sacred Council for the affairs of bishops and religious clerics of Italy, 1 see above.

[*Latin ed. p. 659*]

659 The acts of Pope Pius X, both general and specific, which were decreed in the year 1896, we now declare to pertain to all nations. — Clergy and priests who have given themselves to a Catholic university or institute, and who have devoted themselves to Catholic studies, are not to teach disciplines in which the magisterium has expressed its views, in civil universities. If this has been permitted, we decree that it shall not be permitted in the future. — Bishops who are responsible for the governance of such universities or institutes must take the utmost care to ensure that what we have commanded up to now is constantly observed. III. It is also the duty of bishops to prevent the publication and reading of writings of modernists, or those that reek of modernism; if they have already been published, they are to be prohibited from being read; if they have not yet been published, they are to be prohibited from being published. — Furthermore, all books, periodicals, commentaries, and anything of this kind are not to be permitted to be read by young men in seminaries, nor by students in universities; for these are just as harmful as those that are written against morals, and indeed even more so, because they corrupt the beginnings of the Christian

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life. — Nor is it to be judged otherwise concerning the writings of some Catholics, otherwise men of not entirely bad minds, but who, being skilled in theological disciplines and imbued with recent philosophy, strive to reconcile these things with the faith, and to bring about, as they say, advantages for the faith. These, because they are not concerned about the name of the author and his good reputation, present a hidden danger, so that one may gradually turn towards modernism. In general, Venerable Brothers, as we command in this very serious matter, whoever in your respective dioceses finds books that are pernicious to be read, let him strive vigorously to have them removed, even using a solemn interdict. For although the Apostolic See devotes all its efforts to removing such writings, they have nevertheless increased in number to such an extent that it is difficult for us to provide all with the necessary resources. Consequently, sometimes the remedy is applied later, when the disease has already gained strength. We therefore wish that the sacred pastors, without any fear,

[*Latin ed. p. 660*]

Acta Apostolicae Sedis. - Official Commentary. Having laid aside all worldly concerns, and with due prudence, may each one diligently and consistently undertake the tasks assigned to him; mindful of what Leo XIII prescribed in the apostolic Constitution *Officiorum ac munerum*: Ordinaries, even as Delegates of the Apostolic See, should strive to prohibit and remove from the hands of the faithful, within their dioceses, books and other writings that are harmful. Indeed, by these words, not only is this duty granted, but it is also commanded. And no one can claim to have fulfilled this office, or even to have begun to fulfill it, if he has brought to us only one or two books, while others are freely and widely disseminated. However, nothing should restrain you, Venerable Brothers, if it so happens that the author of a certain book has been granted permission elsewhere, which is commonly called *Imprimatur*, because this permission may be feigned, or it may have been granted carelessly, or through excessive kindness or trust in the author; and it is true that in some religious orders, this sometimes happens, so that books that are innocent in one place may be harmful in another, due to the circumstances. Therefore, if the Bishop, having heard the opinion of prudent advisors, considers that even some of these books should be noted within his diocese, we grant, indeed we command, that he has the power to do so. Let this be done properly, by forbidding, if necessary, even to the clergy; but let the Catholic booksellers, in good conscience, not sell the books noted by the Bishop. And since we have touched upon this matter, let the Bishops be vigilant lest, through the greed for profit, unscrupulous booksellers earn a wicked reward: for in some modernistic catalogs, a great many books are offered for sale, even in *Laude*. If they should refuse obedience, let the Bishops, after a warning, without hesitation, deprive these booksellers of the title of ”Catholic book-

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seller"; and with even greater reason, if they are episcopal officials; those, however, who bear the pontifical title, should be reported to the Apostolic See. Finally, we recall to everyone what is stated in the aforementioned apostolic Constitution *Officiorum*, of January 25, 1897.

[*Latin ed. p. 661*]

Acts of Pope Pius X, 661. All those who have obtained the apostolic faculty to read and retain prohibited books, cannot therefore read and retain any books whatsoever, or periodicals proscribed by the local Ordinaries, unless a specific power to read and retain books condemned by anyone has been expressly granted to them in the apostolic indult. XXVI: I V. However, it is not enough merely to impede the reading and sale of harmful books; their publication must also be prohibited. Therefore, Bishops should grant the faculty to publish with the utmost rigor. Since, moreover, there are many works that, according to the Constitution *Officii*, require the permission of the Ordinary to be published, and the Bishop himself cannot, by himself, examine all of them; in some dioceses, censors are appointed by office to carry out this examination. We highly commend this institution, and we urge that it be not only encouraged but prescribed in all dioceses. Therefore, in all episcopal curias, censors by office should be present to examine works intended for publication; these should be chosen from the clergy, recommended for their age, learning, prudence, and who are accustomed to navigating the path of doctrine in a sound and safe manner. The works of writers should be submitted to them for examination, according to articles XLI and XLII of the aforementioned Constitution. The censor will give his opinion in writing. If he approves, the Bishop will grant the faculty to publish, using the formula "Nihil obstat, Imprimatur," to which the name of the censor must be appended. In the Roman curia, as in all others, censors are instituted by office. These will be designated by the Master of the Sacred Apostolic Palace, after having first been heard by the Cardinal Vicar of the Holy See, and then, with the approval and consent of the Supreme Pontiff himself. It will be the duty of this Master to designate a censor for each individual work. The faculty for publication will be granted by the same Master, and also by the Cardinal Vicar of the Holy See, or by the one who manages his affairs, after the aforementioned formula of approval has been added, as we have said above.

[*Latin ed. p. 662*]

Acta Apostolicae Sedis. - Official Commentary. 662. Concerning the censor. — Only in extraordinary cases, and with very rare occurrence, at the prudent discretion of the Bishop, may the mention of the censor be omitted. — The name of the author of the work will never be revealed to the censor until he has expressed his favorable opinion; lest anything be presented to the censor that might cause him annoyance, or lest he should

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reject the publication. — Censors are never to be chosen from religious families, unless first the secret opinion of the provincial superior has been heard; and he, with due consideration for his office, will testify concerning the morals, knowledge, and soundness of doctrine of the candidate. — We admonish the superiors of religious orders concerning this most serious matter: they must never permit anything to be printed by their subjects without first obtaining the permission of themselves and of the Ordinary. — Finally, we declare that the title of censor, by which anyone is honored, is entirely without value and can never be used to support private opinions. Having said all of this, we especially command that the following words be observed in the regulations concerning offices: Laymen are prohibited from undertaking the management of newspapers or periodicals without the prior permission of the Ordinary. And if anyone abuses this permission, they will, first of all, be deprived of it, as stated in Article 42 of this Constitution. — As for priests, who often appear under the name of correspondents or collaborators, and who frequently publish writings in periodicals or commentaries infected with the taint of modernism; let the Bishops see to it that these men do not attempt anything contrary to what they have promised, and, if necessary, let them withdraw the authority granted to them. We also most seriously admonish the superiors of religious orders to the same effect: if they act negligently, the Ordinary, with the authority of the Supreme Pontiff, will provide for it. — Periodicals and commentaries, which are written by Catholics, should, if possible, have a designated censor. It will be his duty to read each issue or booklet carefully and thoroughly after it has been printed: if anything dangerous is found, he will order it to be corrected in the following issue or booklet. Furthermore, it is granted to the Bishops, even if the censor should be favorably disposed.

[*Latin ed. p. 663*]

663 The acts of Pope Pius X, the public congresses, and other gatherings, I have already mentioned, in which modernists openly defend and propagate their opinions. — Priests should be summoned by the bishops, and if they are summoned, they should only be permitted to speak on matters that pertain to the bishops or the Apostolic See; nothing should be proposed or requested that would infringe upon the sacred authority; and all discussion of anything that smacks of modernism, Presbyterianism, or secularism must cease entirely. — No priest from another diocese should attend such gatherings, unless he is commended by a letter from his own bishop. — And let all priests be aware of what Leo XIII most gravely declared: "Let the authority of their pastors be held sacred by the priests; let them be certain that the priestly office, unless exercised under the guidance of the bishops, will not be holy, nor sufficiently useful, nor honorable." 1 However, Venerable Brothers, what good will our commands and instructions do, if they are not observed properly and consistently? To ensure that

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this may proceed successfully, We have decided to issue, to all the dioceses, what the Bishops of Umbria, many years ago, prudently decreed. To expel the errors, which they call such, that are already widespread, and to prevent them from spreading further, and to hinder those impious teachers who perpetuate pernicious effects that flow from this dissemination; the Sacred Council, following in the footsteps of Saint Charles Borromeo, decrees that in each diocese there should be established a council of approved clergy, whose duty it shall be to diligently observe how and by what means new errors creep or spread, and to inform the bishop about these matters, so that, after receiving their counsel, he may take measures to extinguish this evil at its very beginning, lest it lead to the ruin of souls.

1 Litt. Encycl. « Nobilissima », February 8, 1884.

2 Acts of the Council of Bishops of Umbria, November 1849, Title II, Article 6.

[*Latin ed. p. 664*]

Acta Apostolicae Sedis. - Official Commentary. 664. Let it be spread, or, what is worse, let it be confirmed and grow daily. Therefore, we decree that such a council, which may be called a vigilance, be established as soon as possible in each diocese. Those who participate in it will be treated in almost the same manner as we have established for the censors above. They shall meet with the Bishop monthly, and on a fixed day, and what they have discussed and decided shall be kept secret. They shall diligently fulfill the duties assigned to them. They shall carefully investigate the signs and vestiges of Modernism, both in books and in teachings, and, for the safety of the clergy and the faithful, they shall prescribe prudently, promptly, and effectively.

They shall beware of novelties, and remember that it cannot be proven in Catholic writings that there is any reason to say that, striving for a bad novelty, it seems to mock the piety of the faithful, or that it speaks of a new order of Christian life, new precepts of the Church, new desires of the modern mind, a new social vocation of the clergy, a new Christian humanism, and many other things of this kind. Let them heed the warning of Leo XIII: they shall not allow such things in books or lectures.

They shall not neglect books in which the pious traditions of each and every kind, or the sacred Relics, are treated. Let them not allow such questions to be raised in periodicals or in commentaries intended to promote piety, nor with words of mockery or contempt for the wise, nor with opinions that do not exceed the limits of probability, or that are based on preconceived notions.

Regarding the sacred Relics, the following shall be observed. If Bishops, who are able to judge in this matter, are certain that a Relic is genuine, they shall remove it from the veneration of the faithful. If the authorities of any

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Relics have perished, perhaps due to civil disturbances or some other cause, let them not be publicly displayed unless duly recognized by the Bishop. The argument of prescription will then be valid only if the veneration is recommended by its antiquity; namely, according to the decree of 1896 from the Sacred Congregation of Religious.

[*Latin ed. p. 665*]

Acta Pii PP. X. 665. Cum Concilium de indulgenciis et de reliquiis sacris editum sit, statuit ut reliquiae antiquae serventur in illa veneratione in qua usque adhuc fuerunt, nisi si in casu speciali certae adsint rationes eas falsas vel fictas esse. – Quod ita dicitur: Cum de piis traditionibus iudicium sit factum, oportet meminisse: Ecclesiam tanta in hac re uti prudentia, ut traditiones eiusmodi ne scripto narrari permittat nisi cum multae cautiones adhibitae et praemissa declaratione ab Urbano VIII sancita; quod etsi rite fiat, non tamen facti veritatem asseverat, sed, nisi humana argumenta ad credendum desint, credi modo non prohibet. Sic plane Sacrum Concilium legitimis ritibus statuit: apparitiones seu revelationes eiusmodi neque approbatae neque damnatae ab Apostolica Sede fuisse, sed tantum permissae tamquam pie credenda fide solum humana, iuxta traditionem quam ferunt, idoneis etiam testimoniis ac monumentis confirmata. Hoc tuendis, abhinc annis triginta, edicebat: 1 Qui teneat, metu omni vacabit. Nam apparitionis cuiusvis religio, prout factum ipsum spectat et relativa dicitur, conditionem semper habet implicitam de veritate facti: prout vero absoluta est, semper in veritate nititur, fertur enim personis ipsis Sanctorum qui honorantur. Similiter de reliquiis affirmandum. – Illud idem Concilium vigilantiae mandamus, ut ad socialia instituta itemque ad scripta quaevis de re sociali assidue ac diligenter adiiciant oculos, ne quid in illis modernismi lateat, sed Romanorum Pontificum praeceptis respondeant. V I I. Haec quae praeceperamus ne forte oblivioni dantur, volumus et mandamus ut singularum dioecesum Episcopi, anno exacto ab editione praesentium litterarum, postea vero tertio quoque anno, diligenti ac iurata enarratiione referant ad Sedem Apostolicam de his quae hac Nostra Epistola decer- 1 Decr. ii maii MDCCCLXXVII.

[*Latin ed. p. 666*]

666 Acta Apostolicae Sedis. - Commentarium Officiale. We declare, and concerning the doctrines which prevail among the clergy, especially in Seminaries and other Catholic institutions, not excepting those which are not under the authority of the Ordinary. We also command the Superiors General of religious orders to do the same for their students." To these things, which we most certainly confirm, we add certain particulars, concerning the students of the sacred sciences in Seminaries and those who are novices in religious institutes, under penalty of temerarious conscience against those who refuse to heed these instructions. In Seminaries, indeed,

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all parts of the institution ought, at length, to cooperate so that a priest worthy of that name may be formed. For it is not permissible to think that such an institution exists solely for studies or piety. Both things are necessary for the complete formation, and they are like training grounds for the long and arduous service in the army of Christ. Therefore, in order that it may produce a well-trained army, two things are absolutely necessary: doctrine for the cultivation of the mind, and virtue for the perfection of the soul. The former requires that the young men studying for the priesthood be thoroughly instructed in those arts which are closely connected with the study of divine things; the latter demands a singular excellence of virtue and constancy. Therefore, let the directors of discipline and piety observe what each student brings forth from himself, and let them examine the character of each; whether they are more inclined to indulgence than to reason, or whether profane influences seem to be at work; whether they are docile, eager for piety, not conceited, and obedient to discipline; whether they have a proper purpose in view, or whether they strive for the dignity of the priesthood for human reasons; and finally, whether they are flourishing in a life of sanctity and doctrine, or, if anything is lacking, whether they strive with a sincere and prompt spirit to acquire it. This investigation is not difficult; and indeed, the lack of the virtues we have mentioned is quickly revealed by the sad performance of religious duties, and by obedience maintained out of fear, not from the voice of conscience, but from discipline. But he who retains it through servile fear...

[*Latin ed. p. 667*]

667 The acts of Pope Pius X either shatter or are shattered by a light spirit or contempt; he is utterly lacking in the hope of faithfully fulfilling the priestly office. Indeed, it is scarcely believable that one who disregards domestic discipline would be far removed from the laws of the public Church. Therefore, if a sacred prelate discovers this in a young cleric, and, after repeated warnings and a trial period of a year, perceives that he does not change his ways, he should expel him, so that he may never be received again, either by himself or by any bishop. Therefore, two things are absolutely necessary for promoting clerics: the innocence of life, joined with the soundness of doctrine. And let this not pass unnoticed: the precepts and admonitions with which bishops instruct those to be initiated into the sacred orders are to be directed not only to the candidates, but also to these [clerics], as is said: "It is necessary that those chosen for this purpose be commended by heavenly wisdom, by good morals, and by the long observance of justice... Let them be both good and mature in knowledge, both in word and in deed... and let the whole form of justice shine forth in them." Indeed, enough has been said about the integrity of life, if it were possible to easily separate this from the doctrines and opinions that each

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person holds dear. But, as is said in the Book of Proverbs: "A man is known by his doctrine" [Proverbs 12:8]; and as the Apostle teaches: "Whoever does not remain in the doctrine of Christ does not have God in him" [2 John 9]. How much effort, indeed, must be devoted to learning many and varied things, for the very condition of this age teaches that nothing is more glorious than the progress of humanity. Therefore, those who are of the clergy and who wish to be suited to the times, to exhort with fruit in sound doctrine, and to refute those who contradict, and to transfer the talents of their intellect to the benefit of the Church, must acquire knowledge, and not merely superficial knowledge, but knowledge that approaches the excellence of doctrine. For they must contend with enemies who are not unskilled, who often add deceit to the elegance of studies [Titus 1:9].

[*Latin ed. p. 668*]

668 Acta Apostolicae Sedis. - Commentarium Officiale. Splendid and resonant phrases, filled with grandiloquence, are often encountered, so that in them one seems to perceive something foreign intruding. Therefore, the necessary weapons must be prepared, that is, a rich store of doctrine must be provided for all those who dedicate themselves to the most sacred and arduous duties in the cloistered life. But, because the life of man is circumscribed by limits, and because the source of all things to be known is so abundant, it is scarcely possible for even the most learned to grasp everything; therefore, the ardor of learning must be tempered, and the sentiment of Paul must be retained: "Not to know more than it is fitting" [Rom. XII, 3], but to know with sobriety. Wherefore, since many and weighty studies are already imposed upon clerics, either those pertaining to the sacred scriptures, to the dogmas of the Faith, to morals, to the science of piety and of offices, which they call asceticism, or those pertaining to the history of the Church, to canon law, and to sacred eloquence; so that young men may not waste time on other matters and be distracted from their principal studies, we forbid the reading of any daily writings or commentaries, however excellent, by those same individuals, unless they are under the watchful guidance of moderators, who will diligently ensure that this does not occur. Furthermore, in order that all suspicion of modernism be eliminated, we not only wish to observe all that has been prescribed above under numerous headings, but moreover, we decree that each professor, before beginning his lectures at the start of the year, shall present to his Superior the text, or the questions, or the theses, which he intends to propose in his teaching; and then, throughout the year, the reasoning of each teacher shall be examined; and if it appears to deviate from sound doctrine, the reason for this will be investigated, and the teacher will be removed forthwith. Finally, in addition to the profession of faith, the Superior shall take an oath, according to the formula added below, and sign it with his name.

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This oath, preceded by the profession of faith according to the formula:

[*Latin ed. p. 669*]

669. *Acta Pii PP. X.* Already by Our Predecessor, Pope Pius IV, the following was prescribed, and it is to be observed along with the definitions of the Vatican Council, by all those who are to be instituted:

I. Clergy who are to be initiated into the higher orders; to each of these, before their institution, a copy of the profession of faith must be delivered, followed by the formulas for taking the oath, so that they may know them accurately, with the addition of the penalty for violating the oath, as stated below.

II. Priests who are designated to hear confessions and sacred preachers, before they are granted the faculty to exercise these duties.

III. Parish priests, canons, and beneficiaries, before entering into possession of their benefice.

IV. Officials in episcopal curias and ecclesiastical tribunals, with the exception of the general vicar and judges.

V. Those who are to deliver sermons during the season of Lent.

VI. Officials in all Roman Congregations and tribunals, before the Cardinal Prefect or Secretary of that Congregation or tribunal.

VII. Superiors and doctors of religious families and congregations, before they enter into office.

The documents of the profession of faith, as we have said, and the formulas for taking the oath, must be kept in special registers in the episcopal curias, and also in the offices of the Roman Congregations. If anyone, may God prevent it, should dare to violate the oath, he must be immediately brought before the tribunal of the Holy Office.

FORMULA FOR TAKING THE OATH: "I, ... firmly embrace and accept all and each of the things which have been defined, asserted, and declared by the infallible teaching authority of the Church, especially those doctrines which directly oppose the errors of this time. And first of all, I profess that God, the beginning and end of all things, can be certainly known and even demonstrated by the natural light of reason, through the things that have been made, that is, through the visible works of creation, as the cause is known through its effects. Secondly, I acknowledge the external proofs of revelation..."

[*Latin ed. p. 670*]

Acts of the Apostolic See. - Official Commentary. 670. I hold that this is a divine work, and I admit and recognize miracles and prophecies as the surest signs of the divine origin of the Christian Religion, and I maintain that these are most suitable for the understanding of all ages and of all men, even of this time. Thirdly: I likewise believe with faith that the Church,

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the guardian and teacher of the revealed word, was instituted directly and proximately by the true and historical Christ, while He was among us, and that it was built upon Peter, the prince of the apostolic hierarchy, and upon his successors down through the ages. Fourthly: I sincerely receive the doctrine of the faith, which has been transmitted to us from the Apostles through the orthodox Fathers, always with the same meaning and the same understanding; therefore, I utterly reject the heretical commentaries and developments of dogmas, which pass from one meaning to another, differing from that which the Church previously held; and likewise, I condemn every error by which, in the matter of the divine deposit entrusted to the Bride of Christ, sufficient reliance is placed on philosophical invention, or on the creation of human consciousness, gradually formed by human effort and destined for indefinite progress. Fifthly: I firmly hold and sincerely profess that faith is not a blind sense of religion, erupting from the depths of consciousness, under the pressure of the heart and the inflexion of a morally formed will, but a true assent of the intellect to a truth externally received through hearing, by which, namely, we believe to be true those things which have been said, testified, and revealed by God, the personal Creator and Lord, because of the authority of God, who is the supreme truth. "I also, as far as it is fitting, submit myself with all my heart to all the condemnations, declarations, and prescriptions contained in the Encyclical letters "Pascendi" and in the Decree "Lamentabili," especially concerning that which they call the history of dogmas. - I reject the error that it is affirmed that the faith proposed by the Church can be contrary to history, and that the Catholic dogmas, as they are now understood, cannot be reconciled with the truer origins of the Christian religion. - I also condemn and reject the opinion of those who say that..."

[*Latin ed. p. 671*]

671 The Acts of Pope Pius X demonstrate a duplicitous approach, presenting one persona as a believer and another as a historian, as if the historian were to retain those things that contradict the faith of the believer, or to build upon presuppositions from which it follows that dogmas are either false or doubtful, although this is not explicitly stated. — I likewise condemn that method of judging and interpreting Holy Scripture which, disregarding the tradition of the Church, the analogy of faith, and the norms of the Apostolic See, adheres to the rationalistic commentaries, and which, with no less audacity than recklessness, selects the text itself as the sole and supreme rule. — Furthermore, I reject the opinion of those who hold that, in the teaching of historical theology, or in writing about such matters, one's preconceived opinion, whether concerning the supernatural origin of Catholic tradition, or concerning the divine promise for the perpetual preservation of each and every revealed truth, must precede; and then the writings of individual Fathers are to be interpreted solely according to the

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principles of science, excluding all sacred authority, and with that freedom of judgment with which profane monuments are usually investigated. — In all things, therefore, I profess myself to be utterly alien from that error which the modernists hold, namely, that there is nothing divine in sacred tradition; or, which is far worse, that they admit it in a pantheistic sense; so that nothing remains except the bare fact, to be equated with common historical facts; namely, that men, following the industry, ingenuity, and learning with which Christ and His Apostles began, continue through the ages. Therefore, I firmly maintain the faith of the Fathers, and to the end of my life, I am certain of that truth, which is, was, and ever will be, always present in the succession of bishops from the Apostles; not that I hold that the spirit should be retained, so that what may seem better and more suitable according to the culture of each age should be held, but that the absolute and immutable truth proclaimed by the Apostles from the beginning should never be believed otherwise, never be understood otherwise. « These things I promise faithfully, integrally, and sincerely. »

IREN., 2 Praeser. c. 28. 4, c. 26. ACTA, vol. II, n. 17. — 9-9-910. 45

[*Latin ed. p. 672*]

Acts of the Apostolic See. - Official Commentary. "These things must be observed and inviolably guarded, and in no way must they deviate from them, whether in teaching or in any other way, by words or writings. Thus I promise, thus I swear, thus may God help me, etc."

ON SACRED PREACHING.

Since, moreover, it has become known to Us through long observation that the bishops' care in proclaiming the divine Word does not always produce the desired results, and that, even though the audience may be attentive, the preachers themselves often attribute more to their own eloquence than to the Word of God, We have deemed it fitting to publish, in Latin, and to commend to the Ordinaries, a document issued by the Sacred Congregation of Bishops and Regulars, at the order of Our blessed predecessor, Pope Leo XIII, on the thirtieth day of July in the year 1894, and transmitted to the Ordinaries of Italy and to the superiors of religious families, congregations, and institutes.

1. ° (And, above all, with regard to the virtues by which sacred orators should be distinguished, it is necessary that the Ordinaries and superiors of religious families take care that they never entrust this holy and salutary ministry of the divine Word to those who are not adorned with piety towards God and towards Christ, the Son of God, our Lord, and who do not abound in charity. For if these qualities of mind are lacking in those who proclaim the tenets of the Catholic doctrine, however skilled they may be in the art of speaking, they will accomplish nothing more than the sound

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of a cymbal or the clashing of cymbals: and they will never possess that power and virtue which is the source of all evangelical preaching, namely, a zeal for the glory of God and for the eternal salvation of souls. This piety, which is most necessary for sacred orators, must also be evident in the external conduct of their lives: so that the morals of those who discuss celebrated precepts and Christian institutions may not be offensive, and so that 1 Corinthians XIII, 1.

[*Latin ed. p. 673*]

673 The acts of Pope Pius X demonstrate how those who build up are destroyed by the word. Furthermore, profane piety should not be such that it causes harm: rather, it should be imbued with such gravity that it proves that they are truly ministers of Christ, and dispensers of the mysteries of God. Otherwise, as the Angelic Doctor rightly observed, if the doctrine is good and is proclaimed more widely, it becomes an opportunity for blasphemy against the doctrine of God. But let not science be absent from piety and other Christian virtues: for it is evident both in itself and is confirmed by long experience that neither wisdom, nor prudence, nor a fruitful manner of speaking can be expected from those who are not rich in doctrine, especially sacred doctrine, and who, spurred by the innate swiftness of words, rashly ascend the platform and are almost unprepared. These people, indeed, strike the air, and, ignorant of the divine eloquence, they object to and ridicule it; they are truly worthy of the divine sentence: "Because thou hast rejected knowledge, I will also reject thee, that thou shalt not serve as a priest to me." Therefore, let bishops and superiors of religious families not entrust the ministry of the divine word to any priest unless it has first been established that he is properly instructed in piety, doctrine, and example. Let them diligently see to it that only those matters are treated which are proper to sacred preaching. And what is this? Christ the Lord opened it when He said: "Preach the Gospel… teaching them to observe all things whatsoever I have commanded you." To these words, St. Thomas aptly adds: "Preachers ought to enlighten in believing, to direct in acting, to reveal what is to be avoided, and by exhorting, by admonishing, to preach to men." And the holy Council of Trent: "Announcing to them the vices which cause them to fall away, and the virtues which they ought to follow, so that they may escape eternal punishment and attain to heavenly glory."

1. 1 Corinthians 4:1.
2. Commentary on Matthew, chapter 5.
3. Hosea 4:6.
4. Mark 16:15.
5. Matthew 28:20.

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6. *Loc. cit.* (meaning "in the cited place").

[*Latin ed. p. 674*]

g74 Acta Apostolicae Sedis. - Commentarium Officiale. "Ita valeant." Quae omnia, cum fervore, a P. R. Pio IX scripta sunt: "Qui Christum crucifixum praedicant, et dogmata et praecepta sanctissimae nostrae religionis, juxta catholicae Ecclesiae et Patrum doctrinam, gravi et splendido genere orationis, populo clare et apertissime annunciant, officia singulorum accuratissime explicent, et omnes a flagitiis deterreant, ad pietatem inflammant, ut fideles, Dei verbo salubriter refecti, vitia omnia declinent, virtutes sectentur, et ita aeternas poenas evadere et caelestem gloriam consequi valeant. Ex quibus omnibus perspicuum fit, symbolum Apostolorum, divinum decalogum, Ecclesiae praecepta, Sacramenta, virtutes ac vitia, officia cuiusque conditionis, novissimos homines et cetera huius generis, haec esse propria argumenta de quibus oporteat concionari." 3. "Sed rerum talium copiam et uberrimam et gravissimam, recentiores ministri divini verbi haud raro nihil pensant; uti obsoletum quid et inane negligunt ac paene abiciunt. Hi nimirum, cum probe compertum habeant recensita rerum momenta captandae populari gratiae, cui tantum inhiant, minus esse id quod sua est quaerentes, non quae Iesu Christi, eadem 3, plane seponunt; idque vel ipsis quadragesimae diebus ac reliquis solemnioribus anni tempestatibus. Una vero, cum rebus immutante nomina, antiquis concionibus recens quoddam ac minus recte intellectum alloquendi sufficiunt genus, quod CONFERENTIAE dicunt, mentis cogitationique alliciendae magis aptum quam impellendae voluntati atque instaurandis moribus. Hi profecto haud secum reputant conciones morales omnibus, conferentias vix paucis prodesse; quorum si moribus diligentius perspectum foret per inculcatam saepe castitatem, animi remissionem, obsequium in Ecclesiae auctoritatem, hoc ipso praeiudicia de fide opiniones exuerent, lucemque veritatis promptiore."

1 Sess. V, cap. % De Reform.

2 Litt. Enc. ix nov. MDCCCXLVI.

3 Philippi, II, 21.

[*Latin ed. p. 675*]

675 The acts of Pope Pius X would be deeply offended. For, as many wrongly think about religion, especially among Catholic peoples, this is more attributable to unrestrained and foolish desires than to the perversity of a misguided intellect, according to the divine judgment: "For out of the heart come forth evil thoughts... blasphemies." Hence, Augustine, referring to the words of the Psalmist: "The fool hath said in his heart, God is not," comments: "In his heart, not in his mind."

4. This, however, should not be understood as if discourses of this kind are inherently and completely to be condemned, for, on the contrary, if they

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are handled appropriately, they can be very useful, and even necessary, to refute errors that attack religion. But all that pomp and ostentation must be completely removed from the manner of speaking, which is more concerned with a certain display than with action; which concerns the state more than religion; which, finally, appears more pleasing to the eye than fruitful in results. Such commentaries and academic exercises are entirely unsuited to the dignity and amplitude of the house of God. But discourses, or conferences, which have as their purpose the defense of religion against hostile attacks, although sometimes necessary, are not suitable for all, but only for the more capable. And to the speakers themselves, great caution must be exercised, for such defenses should not be given unless the time, place, or the audience necessarily require them, and there is hope that they will not be fruitless; and the legitimate judgment of this matter belongs to the Ordinary, in whom there should be no doubt. Furthermore, in discourses of this kind, the sacred doctrines must be emphasized far more than the words of human wisdom, and everything must be said earnestly and clearly, lest false opinions be more deeply impressed upon the minds of the audience than the true opposites, or lest the objections be more persuasive than the answers. Above all, however, it must be avoided that the frequency of such discourses diminish the dignity of moral exhortations, or remove them from use, as if these were of a lower order.

[*Latin ed. p. 676*]

576 Acta Apostolicae Sedis. - Commentarium Officiale. A lesser effort is required to combat that obstinate manner of speaking, and therefore, sermons should generally be abandoned by preachers, and audiences left behind; because, in truth, sermons on morals are most necessary for most faithful people; but they do not yield in dignity to contentious discussions; so that the most excellent orators, before any more elegant and frequent assembly, should at least, with the utmost care, hold them repeatedly. If this is not done, the multitude of the faithful will be forced to always hear someone speaking about errors, from which many of them themselves abhor; they will never hear about vices and harms, with which such audiences are infected above all others." 5. ° "But if the choice of arguments does not lack fault, other, and even more serious, faults are to be found if one considers the appearance and form of the prayer. For, as the light of the world has excellently shown, the preacher of the divine word must have three things: first, stability, so that he does not deviate from the truth; second, clarity, so that he does not teach obscurely; third, usefulness, so that he seeks the praise of God and not his own. But the form, as it is often today, is far from that evangelical clarity and simplicity which it should properly have, but is entirely composed of twists of words and hidden things, which commonly exceed the understanding of the people. It is a lamentable thing, and the prophet must be rebuked with these words: "Daleth. The tongue of the

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sucking child hath stuck to the roof of his mouth for thirst: the little ones have asked for bread, and there was none to break it unto them." But even more miserable is the fact that these sermons often lack that appearance of religion, that inspiration of Christian piety, that very divine power and the virtue of the Holy Spirit, which inwardly moves and piously influences the soul of the speaker; by which power and virtue the sacred preachers should always be employed. The Apostle says: "And my speech and my preaching was not in the persuasive words of human wisdom, but in shewing of the Spirit and power:" But they, relying on the persuasive words of human wisdom, scarcely or never add anything to the divine eloquence.

[*Latin ed. p. 677*]

677 From the Acts of Pope Pius X, concerning the Scriptures, which open up richer and more abundant resources for sacred preaching, as the Most Holy Lord Leo XIII recently taught with these most weighty words: "This proper and singular virtue of the Scriptures, which proceeds from the divine inspiration of the Holy Spirit, is that which adds authority to the sacred orator, grants the freedom of apostolic speech, and bestows a vigorous and triumphant eloquence. For whoever brings forth the divine word and strength in speaking, he does not speak merely in words, but also in power, and in the Holy Spirit, and in much wisdom. Therefore, it is foolish and imprudent for those to give sermons on religion and to pronounce divine precepts, and to offer nothing but the words of human knowledge and prudence, relying more on their own arguments than on divine ones. Indeed, their prayer, however brilliant it may seem, must necessarily languish and grow cold, for it lacks the fire of the word of God, and is far from that which is truly divine. For the word of God is living, and powerful, and sharper than any two-edged sword: and it penetrates to the division of the soul and the spirit. Although this also possesses the virtue of prudence: it is more fitting to acknowledge that there is wonderfully abundant and worthy eloquence in the sacred Scriptures; and this was clearly perceived and argued by Augustine, and the very thing itself confirms it, as the most excellent sacred orators have affirmed, who, through the constant use of the Bible and pious meditation, owe their gifts, thanks be to God." "Therefore, the source of sacred eloquence is easily and principally the Bible. But those preachers who, instead of drawing from this new example of piety, draw water from the cisterns of human wisdom, and who, instead of presenting divinely inspired doctrine, or that of the Church..."

[*Latin ed. p. 678*]

Acta Apostolicae Sedis. - Official Commentary. 678. The entire matter is filled with the names and opinions of profane, recent, and even living writers, who are eager to offer their views: and these views often provide an opportunity for interpretations, whether ambiguous or very dangerous. —

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"Another source of offense is found in those who speak about religious matters as if everything were measured by the advantages and conveniences of this fleeting life, forgetting the future and eternal punishment: while they pursue the fruits that the Christian religion brings to human society, they conceal the duties that must be observed; they speak of the one charity of Christ the Savior; they remain silent about justice. Hence, the meager fruit of this preaching; for when a profane person hears it, he carries away with him the persuasion that he will remain a Christian, even if his morals are not changed, as he says: 'I believe in Christ Jesus.' " — "But what do these people care about the fruits? They certainly do not intend to produce them, but rather, they aim above all to ensure that the listeners assent to their words; and while they see the time passing, they allow the minds of the listeners to remain empty. For this reason, they do not mention sin, the Last Judgment, or other matters of the greatest importance, but rather, they strive to pour forth pleasing words, with more of a tribune's and profane eloquence than with an apostolic and sacred one, so that shouts and applause may be elicited; for in the Church, when you teach, not the clamor of the people, but the groans of the afflicted should be aroused: let the tears of the listeners be your praises. Thus it happens that these sermons, insofar as they exhibit a certain appearance of sacredness, both within and outside, and take away all semblance of holiness and effectiveness." Hence, "pleasure has been drawn away from the ears of the people, and of many even from the clergy; hence, offenses have been injected into all; hence, either a very meager or completely nonexistent progress has been made among those who are wandering, who, even if they sometimes attend the sermons, carry away with them pleasing words, especially if they are attracted by those magnificent and repeated appeals to human progress, to the homeland, to science."

1 Cardinal BAUSA, Archbishop of Florence, to the younger clergy, 1892.

2 Ad Nepotian.

[*Latin ed. p. 679*]

"The Acts of Pope Pius X, 679, relate that, after those skilled in speaking had been followed with enthusiastic applause, even those who had previously left the temple, like deaf men, were astonished, but did not convert."

"Therefore, desiring to restrain these abuses, which are so numerous and so reprehensible, this Holy Congregation, by order of the Most Holy Lord, commands all Bishops, and those who preside over religious families and ecclesiastical institutions, as supreme moderators, to oppose these things with an apostolic heart and to diligently strive to eradicate them. Remembering, therefore, what the Holy Council directs regarding the selection of suitable men for the office of preaching – as prescribed by the Council of Trent 2 – they should act diligently and cautiously. If the matter concerns priests of their own diocese, let the Ordinaries take the utmost care not to

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admit anyone to this ministry unless they have first been proven by their life to be worthy 3, and it has been ascertained through knowledge and morals that they are fit for it, unless there is some danger or other suitable reason. If, however, the matter concerns priests from another diocese, let no one be admitted, especially on solemn days, unless it has been established by written testimony from their own Ordinary or religious Superior that they are endowed with good morals and are fit for this ministry. Furthermore, the moderators of each Order, Society, or religious Congregation shall not allow anyone to preach from among the students of their own discipline; and even less shall they present them to the Ordinaries of the place with letters of recommendation, unless they have the same understanding, and possess both proven integrity of character and the ability to preach properly. If, however, they have accepted a recommended preacher and subsequently discover that he deviates from the norms of the present regulations in his preaching, they shall immediately bring him into obedience. If he does not heed this, they shall forbid him to preach, and, if necessary, they shall apply the canonical penalties that the circumstances seem to require."

1 From St. Augustine, *In Matthaeum*, 19, 25.

2 Session V, chapter 5, *De Reformatione*.

3 Session V, chapter 2, *De Reformatione*.

[*Latin ed. p. 680*]

Acts of the Apostolic See. - Official Commentary. 680 We have deemed it necessary to prescribe, or to recall, these matters, ordering that they be religiously observed, moved as we are by the ever-increasing gravity of evil, to which one cannot delay in opposing without the greatest peril. For it is no longer as it was in the beginning, when disputants appeared in the clothing of sheep, but now with open and manifest enemies, and with those domestic enemies who, having made a pact with the chief enemies of the Church, have in view the subversion of the faith. There are, indeed, those whose audacity rises up daily against the wisdom already established by Heaven, who arrogantly claim the right to correct it, as if it were corrupt; to renew it, as if it were worn out by age; to augment and adapt it to the opinions, advancements, and conveniences of the age, as if it were opposed, not to the weakness of a few, but to the good of society. Against these anti-evangelical doctrines and ecclesiastical traditions, vigilance and severity must never be sufficiently employed by those to whom the custody of this sacred deposit has been entrusted. Therefore, these warnings and salutary commands, with full knowledge and certainty, we have issued, and we will and order that they be religiously observed, approved, and firmly maintained by all, both by Ordinaries and by the supreme Masters of regular orders and ecclesiastical institutions of the entire Catholic world, notwithstanding any opposition. Given at Rome, at Saint Peter's, on the first day of the month of September, in the year 1910, in the eighth year of Our

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Pontificate. PIUS PP. X.

[*Latin ed. p. 681*]

SACRED CONSISTORY CONGREGATION. 681

SACRED CONSISTORY CONGREGATION

I. APPOINTMENTS OF BISHOPS.

His Most Holy Lordship, Pope Pius X, by decree of the Sacred Consistory Congregation, appointed:

July 23, 1910. — The Reverend Father Gregory Mary Grasso, Abbot of the Monastery of the Virgin, to be the Apostolic Administrator of the Archdiocese of Amalfi.

August 16, 1910. — The Reverend Agathus Philip Alvarado, Vicar General of the Diocese of Coro, to be Bishop of the Cathedral Church of Coro. — The Reverend Arthur Celestine Alvarez, parish priest of the place of Zaraza in the Diocese of Calabozo, to be Bishop of the Cathedral Church of Zulia.

August 26, 1910. — The Reverend Father Nicholas Cola, Bishop of Marsorum, to be Bishop of the Cathedral Church of Nuceria.

August 29, 1910. — The Reverend Joseph Angelucci, canon of the Cathedral Church of Praeneste, to be Bishop of the Cathedral Church of Città della Pieve. — The Reverend Francis Emanuelli, rector of the Seminary of Cagliari, to be Bishop of the perpetually united Cathedral Churches of Uxello and Terralba.

September 6, 1910. — The Reverend Father Charles Hugh Gauthier was transferred from the Church of Kingston to the Metropolitan See of Ottawaâ□□Cornwall. Furthermore, the same Most Holy Lord commanded that Apostolic Letters be issued regarding this matter for the proper execution of justice.

II. ERECTION OF DIOCESES.

Our Most Holy Lord, Pope Pius X, by decree of this Sacred Congregation, on August 15, 1910, — Erected the Cathedral See of St. Peter of Rio Grande do Sul to the dignity of a Metropolitan Church, changing the ancient title to the new title, that is, Porto Alegre, and established the suffragan dioceses of Florianópolis, as well as three other new dioceses newly erected by the same decree, namely, the dioceses of Pelotas, Uruguaiana, and Santa Maria.

[*Latin ed. p. 682*]

Acts of the Apostolic See. - Official Commentary. 682 These three afore-

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mentioned dioceses were likewise separated and detached, by the same Holiness, from the territory of the diocese of Rio Grande do Sul (now, in truth, the archdiocese of Porto Alegre in Brazil), by the following decree: To the diocese of Pelotas, the territory consisting of the following parishes was assigned: Pelotas, Povo Novo, Pio Grande, S. José do Norte, S. Izabel, Tahim, Arroto Grande, Jaguar do, Santa Victoria, Serrito, Cacimbinhas, Boquete, Santo Antonio da Boa Baptista da Vista, Reserva, Conceição do Boqueirão, Cangussú, Piratiny, S. Lourenço, S. Joâo Bagé, Lavras, S. Joâo Baptista do Herval, Estreito, Mostardas, and José do Patrocínio. To the diocese of Uruguaiana, the territory comprising the parishes of Uruguaiana, S. Joâo Baptista do Quarahy, Itaqy, S. Borgia, Alegrete, Povinho (S. Thiago do Boqueirão), S. Francisco de Assis, S. Anna do Livramento, S. Gabriel, S. Luiz de Gonzaga, Passo do Rosario, Dom Pedrito, the colonies of Ijuhy, Guarany, and Serro Azul, was attributed. Finally, to the diocese of S. Maria, the territory of the parishes of S. Maria, S. Francisco de Paola, Vaccaria, the colony of Sananduva, Soledade, Passo Fundo, Nonohay, S. Antonio da Palmeira, S. Miguel, S. Angelo, S. Pedro do Ninção, de Cruz Alta, Silveira Martins, Castilhos (Villa Rica), S. Vicente, Valle Veneto, S. Martinho, Julio, the colony of Jaguarí, Cachoeira, Rio Pardo, Santo Amaro, S. Luiz do Casca or de Guapuré, was assigned.

III. ERECTION OF THE NEW APOSTOLIC PREFECTURE OF KATANGA IN THE BELGIAN CONGO. In order that the abundant fruits of salvation, already happily received in the Apostolic Vicariate of the Belgian Congo, or Independent Congo, may be increased, it was deemed opportune to detach a portion of the territory from the aforementioned Apostolic Vicariate, and to entrust it to missionaries of the Congregation of the Immaculate Heart of Mary of Scheut, who are active in a vast territory, in order to establish a new mission in that region. Therefore, the Fathers of this Sacred Council, in a plenary session held on July 25th of the preceding month, decided to erect a new Apostolic Prefecture, to be called Katanga, the territory of which, to be detached from the aforementioned Apostolic Vicariate of the Belgian Congo, would be contained within the following boundaries: To the West, by the river Lualaba, from its source to...

[*Latin ed. p. 683*]

683. The Holy Congregation of Rites. This territory extends from the confluence with the river Luvua, northward along the same river Luvua to the Moero lake, then eastward along the course of the Luapula river to the Bangweolo lake, and from there, along the true source of the Luapula river to the source of said river. The eastern and southern boundaries of this aforementioned river Lualaba will be the same as the political boundaries that separate the Congo of Belgium from Rhodesia in Anglica. It was judged that this new Apostolic Prefecture should be entrusted to the care of the students of the Congregation of the Order of Saint Benedict

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from the Brazilian monastery of Saint Andrew at Bruges in Belgio, so that this Apostolic Prefecture may be erected as a monastery of Nullius. Suitable resources will be available. This opinion of the Fathers was reported to the Most Holy and Divine Pope Pius X by the undersigned Secretary of the same Holy Congregation, and in an audience on the 2nd day of the month of August, His Holiness deigned to approve and ratify it with benevolence, and ordered the present Decree to be drawn up concerning this matter. Given at Rome, from the offices of the Holy Congregation for the Propagation of the Faith, on the 5th of August, 1910. Fr. H. M. CARD. GOTTI, Prefect. L. Eg S. Aloysius Veccia, Secretary. I. ROMAN. CONCERNING THE CANONIZATION OF THE BLESSED MAGDALENE SOPHIA BARAT, VIRGIN, FOUNDRESS OF THE SOCIETY OF SISTERS OF THE SACRED HEART OF JESUS. In the woman of strength whom the Sacred Scriptures describe, define, and distinguish with prophetic spirit, a glimpse is seen of the new covenant, the Church produced from the most sacred side and heart of Christ, as the holy Fathers and Doctors commonly proclaim: "If the woman is the glory of the man, the Church is the glory of Christ." This blessed mother, mother and virgin at the same time, through the divine power of her Spouse, with the cooperation of the grace of the Spirit of God, has produced and continues to produce countless daughters in Christ, abundantly participating in the strength and beauty of a mother. These teachers of faith and chastity, through new generations, through all works of charity, especially through the civil and religious institutions for girls, Christian...

[*Latin ed. p. 684*]

Acts of the Apostolic See. - Official Commentary. 684 families are increased and illuminated. Among these, the illustrious Virgin Magdalena Sophia Barat deserves to be particularly mentioned. In the town of Joigny, in the diocese of Sens, she was born on December 13th, in the year 1779, of honest parents, James and Mary Magdalena Foufé. When she was about fourteen years old, under the care of her brother, Lewis, she was sent to Tarifa, near Paris, where she was instructed in the humanities and higher disciplines. Already adorned with doctrine and virtue, and still a young woman, she obeyed the divine vocation and, with the advice of the Reverend Father Varin, dedicated herself entirely to God, along with several companions, on November 21st, in the year 1800. In the following years, she founded, governed, and spread the Society of the Sisters of the Sacred Heart of Jesus. Her name, along with that of the Society itself, has spread throughout various parts of the world, and her fame for holiness, virtues, and miracles has been celebrated since her death. After ordinary investigations into this fame were completed and approved, a Commission for the introduction of the cause of Beatification was established by the Most Holy Pope Leo XIII, of blessed memory, in the year 1879. In recent

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times, with renewed effort, and after examining the virtues exercised in a heroic degree, and the miracles obtained through the intercession of the same Venerable Servant of God, since all these things were confirmed and established in such a way that further steps could be taken towards solemn Beatification, by Apostolic Letters in the form of a Brief from the Most Holy Lord Pope Pius X, the honors of the blessed were decreed and conferred upon the Venerable Magdalena Sophia Barat, Foundress of the Society of the Sisters of the Sacred Heart of Jesus; and the solemnity of Beatification was celebrated in the Patriarchal Basilica of the Vatican on May 24th, in the year 1908. It is also worth noting that from houses and colleges of the aforementioned Society, not only from the city, but also from Europe, America, and other regions, people gathered and attended the religious ceremonies with great devotion and joy. Meanwhile, through a solemn triduum celebrated within a year of the Beatification, through an annual feast with an Office and Mass granted, through a summary of her life, relics and images were widely distributed, and thanks were obtained, thereby increasing the piety and confidence of the faithful in the newly declared Blessed, who began to invoke and venerate her more fervently in their needs. And now, new miracles are being reported, obtained through the intercession of the Blessed Magdalena, which will soon be investigated properly, for the very purpose of proceeding, in accordance with the order of law, to the culmination of solemn Canonization. Therefore, at the urgent request of the Most Reverend Raphael Maria Virili, titular Bishop of Troas, the promoter of this cause, and with the attention given to the petitions from certain Royal Highnesses, Princes, and Eminences of the Sacred College Cardinals, and from many Holy Prelates and Superiors General of Orders and Congregations of both sexes, especially from the Pre-

[*Latin ed. p. 685*]

The Holy Congregation of Rites, number 685, and the General Council of the Society of Sisters of the Sacred Heart of Jesus, to His Most Eminent and Reverend Lord Cardinal Dominic Ferrata, of the same cause, Promoter or Relator, in the ordinary assembly of the Congregation of Holy Rites, held on the day indicated at the Vatican, the following question for discussion was presented: "Whether the Commission for the resumption of the cause should be signed in the case and for the purpose in question." And the Most Eminent and Reverend Fathers entrusted with the safeguarding of Holy Rites, after the report of the aforementioned Eminent Cardinal, Promoter, and after hearing the Reverend Father Alexander Verde, Promoter of the Holy Faith, after careful deliberation, judged it necessary to respond: "Affirmatively, that is, the Commission for the resumption of the cause should be signed, if it pleases the Most Holy." On June 21, 1910. Subsequently, a report on these matters was made to Our Most Holy Lord Pope Pius X by the Cardinal Prefect of the Congregation of Holy Rites, and His

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Holiness, considering the judgment of the Holy Congregation itself to be valid, deigned to sign the Commission for the resumption of the cause of canonization of the Blessed Magdalene Sophia Barat, Virgin, Foundress of the Society of Sisters of the Sacred Heart of Jesus, on the 22nd of the same month and year.

Fr. S. CARD. MARTINELLI, Prefect.

L. S. Reverend Peter La Fontaine, Bishop of Glaris, Secretary.

II. TROPIEN, OR NUGERINA OF THE PAGANS.

BEATIFICATION AND CANONIZATION OF THE VENERABLE SERVANT OF GOD, VITUS MICHAEL DI NETTA, PRIEST, OF THE CONGREGATION OF THE MOST HOLY REDEEMER.

Vitus Michael Di Netta, a member and priest of the Ligurian family, renowned for his works and sermons, who traversed the region of Calabria with holiness and ministry, deserved to be called the Apostle of Calabria.

He was born in the town of Vallata, in the diocese of Saint Angel of Lombardy, on February 26, 1788, from honest and upright parents, Plato and Rosa Villani, and on the same day he was cleansed with the sacred waters and adorned with the names and patronage of the saints Vitus and Michael.

Religiously educated at home, especially by his pious mother, and still anointed with the sacred chrism after five years, he was strengthened by the grace and power of the Holy Spirit.

A gentle, humble, and obedient boy, inclined to piety, he was enriched with Christian virtues and wisdom.

Admitted to the sacred Synaxis, he frequently attended it with ardent desire, and his composure and devotion inspired admiration and esteem in those present.

He was averse to youthful games and devoted to quiet.

[*Latin ed. p. 686*]

Acts of the Apostolic See. - Official Commentary. While attending to prayer, and imitating the sacred functions before a small altar which he had constructed in his home, he foreshadowed his priestly vocation. Having been sufficiently instructed in the rudiments of letters and the Latin language, with the care and expense of his uncle and teacher, Felix Villani, archpriest, he entered the seminary of Saint Angel of Lombardy. There, he diligently pursued his studies; until, obeying the divine vocation, he requested to enter the Liguorian Institute. To more easily fulfill this desire, he went to Benevento, then under papal jurisdiction, where, being kindly received into a religious house by the prefect, Father Francis of Paola, on April 1st, 1808, he gladly gave his name to the Alphonsian Sodality. Still

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in the year of his novitiate, while Vitus Michael diligently devoted himself to the study of prayer and religious observance, suddenly a revolution and upheaval arose in the state. At that time, the Supreme Pontiff was seized by force by the Principality of Benevento, the goods of the Church were confiscated, monasteries were suppressed, and religious men and women of both sexes were dispersed. The sad effects of this adversity and spoliation were witnessed even by the Servant of God, who, being compelled to return to Vallata, steadfastly led a life there which was highly fitting for a young religious. Indeed, remaining steadfast in the purpose he had undertaken, as soon as that storm subsided somewhat, Vitus Michael, with the permission of the Most Reverend President Blasucci, went to the house of the Congregation of the Most Holy Redeemer in Nuceria. There, on April 25th, 1808, he pronounced his religious vows, beginning his novitiate. Having already been cultivated and approved in the philosophical and theological disciplines by the Brothers of the Order, he was promoted to the priesthood on March 11th, 1811. His works testify to the sentiments and zeal with which he contemplated the priestly dignity and office, according to the spirit and rule of his Holy Founder, especially in the ministry of sacred missions, which he faithfully performed until his death, particularly in the regions of Calabria. He undertook apostolic labors with all his strength, establishing a base and residence in Tropea, and profitably visited Reggio Calabria, Mileto, Nuceria, Pagan, and other cities and towns. As a faithful soldier and minister of Christ, he proposed to follow this rule for himself: never to rest when it is a matter of divine glory and the salvation of souls. Therefore, he was always readily available as a preacher and confessor to all and each, presenting himself as a debtor in much patience and doctrine, so that he might profit all and each for Christ. Nor were there wanting to the cultivator of the Lord's vineyard abundant fruits of sanctification, with God assisting in the conversion of sinners and the perfection of the just. Vitus Michael also proved useful to ecclesiastical Bishops, to men, and to religious women, as a father and a guide of conscience. To the students of the College.

[*Latin ed. p. 687*]

5. Congregation of Rites. It is said that he, having been appointed prefect of Tropiensis and its novices, led them along the straight paths to virtue and the knowledge of the saints. While truly concerned for the eternal salvation of others, he devoted himself to the perfection of his own religious life. He nourished his spirit through the reading and meditation of heavenly things, and he drew salutary waters from the very source of Christ, especially through daily prayer. He held a singular devotion for both the Mysteries of the Passion and the Eucharist, and for the Virgin Mary, under the special title of the Immaculate Conception; he was truly Saint Alphonsus' disciple and son. He also cultivated a particular devotion

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to the holy angels and the celestial patrons. He greatly loved the beauty of the House of God and diligently worked to restore temples and to provide them with sacred furnishings. To these works, he added the mortification of his own body through voluntary afflictions, knowing well that adversaries in the way of the Lord, whether external or internal, must be overcome and vanquished through prayer and fasting. Finally, nearing his heavenly home through illness, after having devoutly foretold the day of his death and having been broken down by labor for the Church, and having received permission from the confreres, he peacefully passed away, performing the acts of faith, hope, and charity, with the sign of the cross, on December 3rd, in the year 1849, on the feast of Saint Francis Xavier. The precious death of the Servant of God turned into a common mourning for the citizens of Tropiensis, who held him as a saint and proclaimed him the Apostle of Calabria. Meanwhile, the funeral ceremonies were solemnly performed, with the clergy and the people present, the Ordinary Bishop celebrating the Pontifical Mass, and a prayer of praise was also offered by a priest of the Congregation of the Most Holy Redeemer. The body was carried from the church of the Fathers of the Most Holy Redeemer to the church of the Blessed Virgin Mary of Mount Carmel outside the walls, with a large procession, and was there honorably buried; until, a few years later, with permission obtained, it was returned to the Ligurian temple, where it rests, awaiting the coming of the great God and our Savior. The fame of sanctity which Vitus Michael had already acquired while still living, after his death, and also because of alleged signs and miracles in favor of those who sought his help, grew more and more, so that investigations were carried out by the Ordinary Inquisitions of the ecclesiastical courts of Tropiensis and Nuceria, and were brought to Rome to the Congregation of Sacred Rites. When everything was presented, at the urgent request of the Most Reverend Father Claudio Benedetti, General Postulator of the Congregation of the Most Holy Redeemer, and with attentive letters from certain Eminences, Most Reverend Cardinals, and other men of ecclesiastical or civil distinction, the Most Reverend and Most Illustrious Lord Cardinal Vincent Vannutelli, Bishop and Promoter of this Cause, ACTA, vol. II, n. 17. - 9 - 9 - 910. Praenestinus, or Relator, in the Sacred Rites.

[*Latin ed. p. 688*]

Acts of the Apostolic See. - Official Commentary. 688 The Congregation, convened in Vatican on the date indicated, proposed the following question for discussion: "Whether a Commission for the Introduction of the Cause should be established, and for what purpose." And the Eminent and Reverend Fathers Cardinals, members of the Congregation for the Preservation of the Rituals, after hearing the Prefect, and after the report of the Reverend Father Alexander Verde, Promoter of the Holy Office, having carefully discussed and considered all matters, decided to write:

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"It is necessary to petition Our Most Holy Lord so that He may deign to establish the Commission." June 21, 1910. All of the above having been reported to Our Most Holy Lord, Pope Pius X, by the undersigned Cardinal, Prefect of the Congregation for the Sacred Rituals, His Holiness, having approved the decree of the aforementioned Congregation, deigned to sign the Commission for the Introduction of the Cause of the Venerable Servant of God, Father Michael Di Netta, a professed priest of the Congregation of the Most Holy Redeemer, on the 22nd of the same month and year. Fr. S. L. £g S. CARD. MARTINELLI, S. B. C. Prefect. f Peter La Fontaine, Bishop of Charysten., Secretary. III. TUNJA (Tunja). RESOLUTION OF DOUBTS REGARDING CUSTOMS IN THE FIRST MASS OF A NEW PRIEST, THE EXPOSITION OF THE HOLY SACRAMENT, THE USE OF CANDLES MADE OF STEAINE WAX, THE PSALM IN THE OFFICE ON WEEKDAYS, ON FRIDAYS, THE BENEDICTION DURING COMMUNION OUTSIDE OF MASS, AND THE BENEDICTION WITH THE MOST HOLY SACRAMENT IN THE CHURCH OF IANUA AFTER THE PROCESSION. The current Professor of Sacred Liturgy in the Seminary of the Diocese of Tunja, in Colombia, with the approval of his Most Reverend Ordinary, humbly requested the resolution of the following doubts from the Congregation for the Sacred Rituals: I. In the first Mass celebrated by a new priest, in addition to the ministers customarily used in a solemn Mass, two laypersons serve, whom they call "godparents," who stand on the side and at the side of the altar, and whose principal duty is to pour fragrant water three times for the cleansing of the hands of the new priest, namely, before the Mass, at the Lavabo, and after the reception of the Chalice. The question is asked: Can this custom of the godparents be continued? II. After the new priest has celebrated his first Mass, having retained or occasionally removed the chasuble and having put on the surplice, his mother enters the sanctuary and stands there, and kneeling, receives the blessing in this manner; then, rising, she kneels before her son, and he blesses her. The same is done with regard to the father of the new priest. The question is asked: Can this custom, which seems to be very ancient, be maintained?

[*Latin ed. p. 689*]

Sacred Congregation of Rites. 689 III. From the Decree of the Holy Roman Congregation, July 12, 1901, regarding the exposition and reposition of the Most Holy Sacrament, it cannot be done in such a way that the veil is extended in the exposition tabernacle, and then unfolded during the reposition, with a certain tension in the reposition, or relaxation in the exposition, all of which are performed by the sacristan or acolyte. This method of exposition and reposition is used almost in all churches and chapels, whether public or semi-public, and also in the churches of religious orders, and it would be difficult to abolish this general and ancient custom, because the exposition throne is constructed in such a way on the altar that access

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to it is not easily possible. Furthermore, the blessing with the Most Holy Sacrament at the end of the exposition is not given, as it should be according to the Decrees of the Holy Roman Congregation, except in some of the richer churches, where another ostensorium is available, in which another Host is quickly exposed above the altar, and then the blessing is given. The question is: Given these particular circumstances, can the aforementioned custom be tolerated? IV. Some liturgical doctors claim that only six wax candles can be used in the solemn exposition of the Most Holy Sacrament. The question is: Is it permissible to put this opinion into practice, especially in poorer churches? V. From various Decrees of the Holy Roman Congregation, e.g., No. 2865 Massilien, September 16, 1843, No. 3376 Policastren, September 4, 1875, candles made of stearin are prohibited for sacred use. However, in the solemn exposition of the Most Holy Sacrament, and also in more solemn Masses, in addition to the prescribed number of wax candles, many other stearin candles are frequently used, which are placed here and there on either side of the tabernacle and the Cross, but outside the area of the altar. However, in some places, the structure of the altar, often of an ancient design, does not allow candles to be placed except within the area of the altar, and on the other hand, the cost of using wax would be too high due to the scarcity of wax. The question is: Besides the prescribed candles, whether in Mass or in blessings with the Most Holy Sacrament, can other stearin candles be used within the area of the altar? And if the answer is negative, can the aforementioned custom be tolerated, given the circumstances? VI. According to the *Caeremoniale Episcoporum*, Book II, Chapter XXV, No. 13, the Bishop reads from the book of the Prophets without a lit candle, which seems to indicate that a candle should not be used in this office. The question is: Whether a candle should be used in any case, or whether a candle should be used that is extinguished? VII. From the Decree of the Holy Roman Congregation No. 3792 Strigonien, August 30, 1892, No. X, after the distribution of Holy Communion outside of Mass, the blessing, under the formula "Benedictionem Dei," should always be given (except in one case, when it is given imme-

[*Latin ed. p. 690*]

Acts of the Apostolic See. - Official Commentary. 690, concerning what is done before or after the Mass for the Dead. In the Roman Ritual, title IV, chapter II, number 11, it is stated that the Priest, having taken the Most Holy Sacrament, offers the Eucharist for Communion, and after Communion is finished, he does not give them the blessing, because he will give it at the end of the Mass. The question is asked: If it were certainly known that those receiving Communion would remain until the end of the Mass, could this blessing be omitted, or should it be?

VIII. From the Decree of the Holy Roman Church, number 0, 1784, Anno Domini 1987, July 19, the blessing with the Most Holy Sacrament must be

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given over the altar in the church, and not at the door after the procession. However, with the Decree number 3225, Utinen., August 20, 1870, the Sacred Congregation of Rites responded that the aforementioned custom (of giving the blessing at the door) is to be tolerated. Furthermore, although the circumstances of time and place mentioned in Decree number 3225 are not definitively verified, nevertheless, this custom prevails in many places and parishes, especially because many faithful, even soldiers, who accompany the Most Holy Sacrament of the Eucharist, are unable to enter the church after the procession due to the narrowness of the church entrance, and thus they depart, and would not receive the blessing unless it were given to them at the door.

The question is asked: Can this custom be maintained in this case? And the same Sacred Congregation, with the support of the Liturgical Commission, and after careful discussion and consideration, decided that the following should be answered:

I. It can be tolerated; but, with regard to the washing of hands, only up to the Lavabo.

II. As explained, negatively and in principle. The principle is: the custom of which we speak can exist in a continuous case, but not in the presbytery and in the church, but in the sacristy or elsewhere; and after the newly ordained priest has laid aside his sacred vestments.

III. One must adhere to the rubrics, decrees, and universal practice.

IV. To the Ordinary.

V. Negatively in both cases, and one must adhere to the decrees, especially the more recent ones given on this matter, as in one Natcheten, May 16, 1902, and in another, Plurimum Dioecesium, December 14, 1904.

VI. The candle or palm branch must in no way be used.

VII. Negatively.

VIII. Considering what has been explained, the custom can be maintained. And thus, it was decreed, on July 30, 1910.

Fr. S. CARD. MARTINELLI, Prefect.

Petrus La Fontaine, Bishop of Charystien, Secretary.

[*Latin ed. p. 691*]

691 The Roman Rota. SACRED ROMAN ROTA • i. CRACovian. NULLITY OF MARRIAGE - KRASINSKA-CHELKOWSKI. During the blessed reign of Pope Pius X, in the seventh year of his pontificate, on June 11, 1910, the Most Reverend and Reverend Fathers Michael Lega, Dean, Gustavus Persiani, and Cracovian, in the office of the Rota, and also Severino, William Sebastianelli, Auditors from Tournon, in the cause debated on January 21, 1910; Chelkowski, the advocate, presented the appeal. The judgment was delivered by the Most Holy Order concerning the bond of marriage, and Sophia Krasinska, represented by the following procurator, ap-

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pealed against the sentence. The sentence, pronounced on January 21, 1910, in the cause concerning the nullity of the marriage between Sophia Krasinska and Severino Chelkowski, initiated in Cracow, was upheld, by virtue of the law, by the Defender of the Bond ex officio. For the total judgment declared the existence of the nullity of the marriage, and thus overturned the judgment of the Curia Cracovian, pronounced on June 4, 1909, which had declared that the marriage did not exist in nullity. The disputed marriage was celebrated in Cracow, in the church of the Carmelites, called the Blessed Virgin Mary of Piasku, on January 28, 1892, in the presence of the Reverend Mikulski, pastor of the church of All Saints, who believed that he was not the pastor, neither of the domicile nor quasi-domicile, of the contracting parties, nor was he legitimately delegated, but he considered that, nevertheless, the marriage was valid, because, as he himself stated in his testimony, "Reverend Servatoski, from Rome (the Holy See), had the 'faculty of assisting in the marriages of those who could not enter into marriages within the borders of the Russian empire; after the death of Reverend Father D. Servatoski, the Blessed Father Stanislaus Zaleski, S.J., was with me, and showed me documents printed in such a way as to persuade me that I could validly assist in the marriages of such persons." However, Chelkowski asserted that his bride was among the number of such persons, and that she was exempt from such a law. Therefore, according to the Tridentine law, chapter Tametsi.

[*Latin ed. p. 692*]

Acta Apostolicae Sedis. - Official Commentary. 692 Due to more serious inconveniences experienced in observing the Tridentine form before her own parish priest, and therefore potentially valid everywhere, the question of the validity of this marriage was raised in 1908, at the request of Sophia, who had disrupted her conjugal life, but the Curia of Cracow declared that the marriage was not null, based on two grounds: first, because it was doubtful whether, at the time of the marriage, Sophia's mother had abandoned the house acquired in Cracow, since she had her own house, fully furnished, on Wolskan Street, number 12, where Sophia's parents had sometimes lived. - Secondly, because it was not sufficiently established whether the obligation to observe the Tridentine form had ceased for Sophia, due to serious difficulties that would have hindered her if she had contracted the marriage in Russia. Regarding the first point of difficulty, all weight disappeared during the discussion, if it was proven by an incontrovertible document that Sophia's mother had not been able to return to her house in Cracow at the time of the marriage, since she had given instructions to her agent, Mr. Francis Slenk, to sell that same house. - Another reason for doubt remained, but the documents subsequently presented were considered by the Most Reverend Fathers to have removed it from consideration, in their unanimous judgment of January 21, 1910,

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declaring the marriage to be null. In the present case, the question is raised under this form of inquiry: Should the unanimous judgment of January 21, 1910 be confirmed or overturned in this case? In resolving this doubt, the Most Reverend Fathers first considered the facts. 1. ° Several testimonies confirm the assertion of Lady Sophia, namely that she went to Cracow to celebrate the marriage, not to avoid the dangers of persecution, but to fulfill her devotion to the Virgin Mary under the title of "na Piasku." Her sister, Francisca Edwiges, testifies: "My sister came to Cracow the day before the wedding, and 'for entertainment' she went to the 'Grand-Hotel,' because she was still a virgin, and she intended 'to celebrate the wedding in the Church of the B.M.V. na Piasku,' and her other sister, Elizabeth, confesses: "Indeed, she had made a vow to celebrate the wedding in the chapel of 'B.M.V. na Piasku.'" Furthermore, Sophia's husband, Chelkowski, testifies, excluding other causes, that the marriage was celebrated in Cracow. 2. ° Sophia's mother, in her testimony, does not deny that inconveniences could have arisen from a marriage celebrated in the Russian Empire, saying: "I remember that I once went to the Archbishop (of Warsaw), Popiel, and spoke with him about 'this matter,' and he said to me: 'I advise you to go to Cracow; at that time it was somewhat dangerous,'" but she adds, "I remember that I was not speaking about Sophia's marriage, but about the marriage of my older daughter."

[*Latin ed. p. 693*]

693 The Roman Rota heard a witness who testified: "My son, Henry, entered into marriage in Vilna, and experienced no obstacles or inconveniences whatsoever." Furthermore, she testified: "After my husband obtained Austrian citizenship, we openly baptized our children within the borders of the Russian Empire, and we baptized our daughter, Hedwig, first, and registered her in Warsaw." 3. It is established from the testimony of the mother, Sophia, that her husband obtained Austrian citizenship "in order to protect his children from the persecution of the government and of the schismatic peoples." 4. However, the parish priest, Mikulski, was unaware of this condition when he agreed to assist in the marriage of Sophia; he confesses, "I did not know of their Austrian citizenship, and I was convinced that they were Russian citizens." Later, he adds, as if in his own defense: "Even today, I believe that those who hold only Austrian citizenship, but possess property within the borders of the Russian Empire, could be subject to persecution if they were to celebrate a marriage within the borders of the Russian Empire. Couples came to me, born in Austria but residing in the Empire in Galicz, who were Russian citizens, and they said that they could not marry there." But the very fact in question has no basis; for these couples (namely, those united to the Catholic Church, and also those who have deserted the Russian Orthodox Church, but still observe the Greek rite) are hated by the laws of Russia, because they seem to pave

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the way too easily for the propagation of the Catholic Faith, even under the Greek rite. Therefore, the united couples are not to be treated the same as those who profess the Catholic Faith under the Latin rite, even though they have converted from the Orthodox schism. Having considered these facts, the Most Reverend Lords considered the matter pertaining to the law. Because natural law takes precedence over positive or ecclesiastical law, the Holy Office, in its Instruction of July 7, 1877, declared: "The Tridentine law, with regard to its effect, remains suspended even in those places in which it was promulgated and observed, whenever it can no longer be observed, or cannot be observed without causing insurmountable dangers and obstacles, or without causing undue difficulties." To establish the basis for this declaration, the Instruction states: "We bring forward the unanimous opinion of theologians and canonists, numerous resolutions of the Holy See, and finally, the recent decision of Pope Pius VI in his Brief addressed to the Bishop of Lucionensi in Gallia, dated May 28, 1793, which begins: 'Having read, etc.'" The defender of the Sacred Bonds objected to this declaration, arguing that Sophia had been registered from her birth in the records of the schismatics, and that she had received the sacrament of baptism, according to the Catholic rite, only secretly and clandestinely; therefore, if she had contracted marriage before her own parish priest in the diocese of Zhotopoliensi,

[*Latin ed. p. 694*]

Acta Apostolicae Sedis. - Official Commentary. 694, observing the law of Trent, the severity of Russian laws had stirred up rebellion within its own Church. - On the contrary, the Most Reverend Lords noted that the father of Sophia had protected his daughter and the conversion of his family to the Catholic faith, not only from the Russian laws through the adoption of Latin Catholicism, but especially through the acceptance of Austrian citizenship. He had effectively provided for himself and his family, and the Russian Consul testified in clear terms to the father of Sophia's support for the freedom of the Catholic confession, saying: "Therefore, a young woman whose father was originally a Russian subject, 'having changed nationality in a legal manner with all 'her descendants and baptized abroad in the Roman Catholic religion, 'although according to Russian laws on mixed marriages, she should 'have been baptized in the Greek Orthodox religion, wishing to marry a Roman 'Catholic of German nationality or any other nationality, and 'being at the time of her marriage a Roman Catholic and legally 'a foreign subject, must have her marriage celebrated in Russia 'in a Roman Catholic Church in order that the marriage be recognized 'as valid, according to the Russian law in force even in 1892'." These things reported by the Consul refer to Catholics of the Latin or Roman rite; for Catholics of the Greek or Ruthenian rite, the law of exception applies, as Father Roth, S.J., stated in a letter to the Sacred Congregation of the Council, dated June

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24, 1909: "Catholics of the Greek rite (i.e., united Ruthenians) although being Austrian citizens residing in Russia, until very recently were forced by the Russian government to profess schism and to receive the sacraments in schismatic churches. From documents presented, and other findings in the archives of the Sacred Congregation, it is clear that the Holy See has assisted in the condition of these faithful, and has fostered them in every way, and that they have experienced secure protection for the preservation of their faith, united with Austrian citizenship." In truth (the Most Reverend Lords noted), the gracious concessions made by the Holy See, and those presented in the records, refer to Catholics of the Greek rite, or united Ruthenians, and only in 1896 were special faculties granted to the Bishop of Cracow, namely, "to bless the marriages of subjects of the Russian 'empire who, for serious reasons, cannot celebrate their 'marriages before their own parish priest," without any distinction between Latin Catholics and united Ruthenians or Greek rite Catholics. - Therefore, it follows that, at the time of the initiation of the marriage in question, the Ordinary of Cracow did not obtain extraordinary faculties regarding Catholics of the Latin rite, residing in the Russian Empire.

[*Latin ed. p. 695*]

The Roman Rota. Number 695. In order to completely dispel any doubt, the archives of the aforementioned Sacred Congregation were examined, and the result was that the previously stated conclusion was clearly confirmed. Furthermore, the Most Reverend Fathers examined the aforementioned concession granted in 1896, and it was shown that Catholics of the Latin rite who are subjects of the Russian Empire are not subject to the difficulties in the reception of the sacraments, and especially in the celebration of marriage, so that the law of Trent concerning clandestine marriages does not apply to them. At the very least, it must be said that this was highly doubtful; but in any case, that the law concerning the form is fully in force for Catholics of the Latin rite, and that no exception or immunity from that law is made, no one can doubt: D'Annibale, I, n. 184. It does not matter that Sophia was registered in the public records not as a Catholic, but as a schismatic; provided that, once she ceased to be a subject of the Russian Empire, the evidence from the aforementioned records is valid, as long as it is not proven by legitimate documents that she belongs to another nation and professes the Catholic religion. Therefore, Father Roth, in the aforementioned letters, states: "There is no doubt that Sophia Krasinska, since at the time of the celebration she was an Austrian citizen and could moreover prove, both by her own testimony of baptism and by another testimony drawn up by the Reverend Mikulski, that she was a Catholic of the Latin rite, could freely celebrate the marriage within the territory of the Russian Empire and was therefore subject to the observance of the Tridentine form." That Sophia, due to her changed nationality and by professing the Catholic religion,

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could not fear any danger from the part of the Russian government, if she had observed the Tridentine form, is deduced from the fact, namely, from examples taken from persons of the same Krasinska family. It is known that Hedwig, Sophia's sister, solemnly received baptism in Warsaw, but that no one in the family suffered any harm from the civil authorities. Similarly, we learn from Sophia's own mother that Henry, Sophia's brother, contracted marriage in Vilna in 1897, after the publication of the banns in the parish, and that no one ever suffered even the slightest penalties. The Most Reverend Auditors considered that the force of this argument was not weakened by the objection of the Defender of the Bond, who pointed out that the severity of the Russian laws prevented Sophia from completing the marriage before the parish priest in the diocese of Zhotopoli, although the same marriage could be celebrated without any inconvenience in one of the Catholic churches located in the Russian Empire. If this were true, it would follow the absurdity, namely, that the very strictest laws would open an easy path for faithful Catholics to receive the sacraments from Catholic priests, who are not...

[*Latin ed. p. 696*]

Acta Apostolicae Sedis. - Official Commentary. It is understood that the severity of the laws is mitigated while aid and assistance are provided to those Catholics seeking to evade Russian laws. Rather, some difficulty was encountered in obtaining testimony from Sophia, the mother, who stated that she had assisted the Archbishop of Warsaw, seeking his counsel – because it was a somewhat dangerous time – a fact also asserted by Dr. Stephan Slek. These assertions appear to be credible, and they indicate that, at that time, the Catholic religion, under the Latin rite, did not sufficiently protect a citizen of Austria who possessed property within the Russian Empire and resided there. Nevertheless, the Fathers of the Lord considered that this did not involve a difficulty or a more serious impediment excusing from the law of clandestinity. For the mother stated that it was a somewhat dangerous time, and Dr. Slek said: "I believe she may have been afraid, but I cannot assert this with certainty." Therefore, we are dealing with a minor matter, and one that is easily remedied by the common law. For, as the Instruction of the Holy Office teaches, and as Pius VI demonstrates in his letter to the Bishop of Geneva on October 5, 1793, obstacles and difficulties, even those involving some danger, do not exempt from the law of clandestinity, provided that one can, with due caution, seek the assistance of a parish priest. However, the Auditors noted that, in this case, it can be deduced that the immunity from the Tridentine law was not observed. For such an impossibility or difficulty must be common, as Cardinal Gasparri states in De Matr., vol. II, n. 1175, ed. tert.; Wernz, De Matr., n. 173. But for Austrian citizens and Catholics, there is certainly no danger in receiving the sacraments within the boundaries of the Russian Empire, and only due

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to political circumstances and the excessive zeal of some magistrate, may some danger occasionally threaten those who possess property within the Russian jurisdiction and reside there. But what more effective reasons do not exist for those Austrian citizens to avoid or avert danger, and to receive the sacraments lawfully, validly, and conveniently elsewhere? Let us recall one easy means by which Sophia could have helped herself. It is worth noting that, as the defender of Vinculi himself states, Sophia's marriage was contracted not before her own parish priest in Russia, nor by his delegation, but in Cracow, by delegation of her husband's parish priest. And rightly so, for the husband's parish priest is also the bride's parish priest, and he is the one who can delegate. Therefore, why did Sophia not observe the Tridentine law by contracting her marriage before her husband's parish priest, or by his delegation, when she could have done so conveniently and without any danger? Now, when it comes to interpreting the will of the common law, which...

[*Latin ed. p. 697*]

The Roman Rota does not obligate the community itself to which the aforementioned [matter] pertains, if observing [the law] would cause a grave inconvenience; therefore, it is not considered that the community suffers an inconvenience in any particular case, if the same can be avoided by some not difficult means. Furthermore, the aforementioned passage teaches that Cardinal Gasparri states: "But, on the contrary, if there is a common impossibility, the Tridentine law obliges him who is still able to go to his own priest or delegate, or at least, within a month, to obtain by letter from his own priest, that is, from the parish priest, or from the Ordinary, or from the Holy Father himself, a delegation to another priest who can perform the marriage." Therefore, whatever the conviction of the priest Mikulski, and also of Mr. Chelkowski, who seems to have asserted that the number of persons is exempt from the law regarding clandestine marriages, nevertheless, for the reasons stated, it was deemed necessary by the Most Reverend Fathers that it should be disregarded, because, according to the aforementioned: "our estimation does not change the truth of the matter." It is noted, however, that the Most Reverend Fathers wished to state that Mr. Mikulski in his testimony asserted: that he knew nothing of the citizenship of those [about to be married] being Austrian. Having considered and diligently pondered all of these things, invoking the name of Christ, We, the undersigned Auditors, sitting for the Tribunal, and having only God before our eyes, decide, pronounce, and definitively sentence: that the sentence of the Rota is to be confirmed, and thus we answer affirmatively to the proposed question. Furthermore, We order that the costs of the proceedings be borne and paid equally by Mr. Severinus Chelkowski and Mrs. Sophia Krasinska. Thus We pronounce, ordering the Ordinaries of the places and the officials of the Tribunals to whom

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it pertains to order the execution of this Our definitive sentence, and to proceed against those who resist, according to the norms of the sacred canons, and especially chapter 3, Session XXV of the Council of Trent, concerning Reforms, using the executive and coercive remedies that may be more effective and appropriate for the circumstances. Rome, in the Seat of the Tribunal, on the 11th of June, 1910. Michael Lega, Dean, Presiding. L. S. Gustavus Persiani. Guilelmus Sebastianelli. Sac. Tancredes Tani, Notary.

[*Latin ed. p. 698*]

698 Acta Apostolicae Sedis. - Commentarium Officiale. II. Citation Edictalis Sancti CHRISTOPHORI de ABANA. NULLITATIS MATRIMONII. Cum ignoretur domicilium et locus actualis commorationis Dnae. Catharinae Laza, eamdem per praesens edictum citamus ad comparendum, sive per se sive per procuratorem legitime constitutum, in sede Tribunalis S. R. Rotae, die 8 Novembris anno 1910, hora undecima, ad videndum subscribi infrascriptum dubium, necnon destinari diem, in qua habebitur Turnus Rotalis pro tractatione causae: « An sententia Rotalis sit confirmanda vel infirmanda in casu ». Ordinarii locorum et fideles quicumque notitiam habentes de domicilio aut commorationis loco Dominae conventae, curare debent, si et quatenus fieri posset, ut de hac edictali citatione moneatur. Romae, die 24 Augusti 1910. Guilelmus Sebastianelli, Ponens. Ioannes Ladelci, Notarius S. R. Rotae. (Translation). TRIBUNAL DE LA SACRÉE ROTE ROMAINE. Citation par Edit. DE ST. CHRISTOPHE DE ABANA - NULLITÉ DE MARIAGE. Étant inconnu le domicile et le lieu de la demeure actuelle de Madame Catherine Laza, par le présent édit Nous citons la même Dame Catherine Laza à comparaître par propre personne ou par un procureur légitimement constitué au siège du Tribunal de la S. Rote Romaine, le 8 Novembre 1910, à 11 heures du matin, pour voir souscrire le doute ci-dessous rapporté, et fixer le jour de la cause devant la Rote. - Doute: « La sentence Rotale doit-elle être confirmée ou infirmée ? » Les Ordinaires des lieux et les fidèles ayant connaissance du domicile ou du lieu de la demeure actuelle de la dite défenderesse, doivent, dans la mesure du possible, l'avertir de la présente citation. Rome, le 24 Août 1910. Guillaume Sebastianelli, Ponent. Jean Ladelci, Notaire de la S. M. Rote.

By decree of Saint Christopher of Aba, concerning the nullity of a marriage. Since the domicile and current place of residence of the Lady Catherine Laza are unknown, We, by this present decree, summon the aforementioned Lady Catherine Laza to appear, either in person or through a duly appointed procurator, before the Tribunal of the Sacred Roman Rota, on the 8th of November in the year 1910, at the eleventh hour, in order to witness the inscription of the following question, and to determine the day for the hearing of the cause before the Rota: "Whether the decision of the Rota ought to be affirmed or rejected in this case." The Ordinaries of the places

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and all the faithful who have knowledge of the domicile or current place of residence of the aforementioned Lady, ought, insofar as it may be possible, to inform her of this edictal citation. Rome, on the 24th of August in the year 1910. William Sebastianelli, Presiding. John Ladelci, Notary of the Sacred Roman Rota.

[*Latin ed. p. 699*]

Apostolic Signature. 699 APOSTOLIC SIGNATURE OF PLATIEN (Piazza Armerina). REGARDING THE SUBMISSION OF ACCOUNTS. The Administrators of the parish church of the town, represented by their legitimate Advocate, and the Most Reverend Bishop of Platien, represented by his legitimate Advocate, Aloysius Castri Ioannis, acting as Christopher Astorri; having met, and the Administrators of the parish and collegiate churches in the town of Castri Ioannis, in the diocese of Platien, of whom four are Dignities of the Chapter and two are lay Procurators – (according to the founding bull of the Chapter in the year 1708, the administration of the same church does not in any way pertain to the Chapter as such) – assert that they enjoy a privilege, which more than a century of custom confirms, of submitting to their Ordinary only an accounting of expenses already incurred (commonly called the current budget), and that only every three years and during the course of the Holy Visitation. Nevertheless, the present Bishop of Platien, in the year 1905, outside of the time of the Holy Visitation, repeated the demand for the presentation of receipts and expenditures, and the submission of accounts of expenses in general (both the projected and current budgets), contrary to the presumed ancient custom. Then, the Administrators, refusing to obey the Bishop's command, alleged their privileged condition, which exempts them from submitting accounts of expenses outside of the time of the Holy Visitation. The Ordinary, however, requested documents from one of the Procurators and obtained some documents which they claimed supported this alleged privilege. These documents, the Ordinary himself sent to Rome to the Sacred Congregation, imploring a decision from the Supreme Council regarding this controversy. The Sacred Congregation, having considered the matter through summary petitions, responded on November 18, 1905: Let the common law be observed. Relying on this decision, the Ordinary, on June 22, 1908, issued a decree by which he ordered each administrator of ecclesiastical affairs to present to him each year the projected budget (conto preventivo), as well as the submission of accounts of expenses (conto consuntivo), without exception.

[*Latin ed. p. 700*]

Acts of the Apostolic See. - Official Commentary. 700 concerning the presumed privilege of the Mother Church. The administrators of that same Church appealed against this decree to the Most Holy Council. However,

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the Council did not admit the appeal for examination by the Eminent Fathers, and responded: "The matter is decided." When, however, many other documents, by which the presumed privilege of the Mother Church was asserted to be demonstrated, were presented and transmitted to the Most Holy Council, I resolved to undertake a renewed examination of the proposed question. Meanwhile, after the publication of the Pontifical Constitution "Sapienti Consilio" concerning the reform of the Roman Curia, this cause could not be brought to a conclusion before the Most Holy Council. Therefore, the administrators of the Mother Church petitioned that the cause be referred to the Supreme Tribunal of the Apostolic Signatura. Thus, the most humble prayers were presented to His Holiness Pope Pius X, that he would deign to grant a Pontifical Commission, by whose authority the cause would be presented to this Supreme Tribunal for a definitive judgment concerning the restoration to its former state, and concerning the value of the presumed privilege, regarding the accounts to be rendered by the administrators of the Mother Church in the town of Castri Ioannis, only for expenses already incurred (the current budget), to the Ordinary of Platenia, every three years and during the course of the Holy Visitation. The Most Holy Commission was graciously granted, and by His Authority, this cause was presented before the Supreme Tribunal of the Apostolic Signatura, so that the Eminent Judges might examine and resolve it anew. Therefore, the cause was thoroughly examined in an Ordinary Session of the Supreme Tribunal held in the halls of the Vatican on the 18th of the month of June of the current year, 1910, with the Reverend and Eminent Cardinal Sebastian Martinelli as the relator, and with the following doubts, previously agreed upon by the parties, being proposed: 1. ° Whether a restoration to its former state should be granted in this case? And, if so, 2. ° Whether the privilege which the administrators claim for themselves, with regard to the rendering of accounts, is valid in this case, so that they are exempt from rendering accounts, except for the accounts of expenses (commonly the "conto" to the Ordinary, every three years and during any Visitation)? The Eminent Judges responded: To the first question: No, there is no place for a restoration to its former state. To the second question: Negatively. However, concerning the judicial expenses, the Supreme Tribunal condemned the administrators of the Mother Church of the town of Castri Ioannis, but deducted the honorarium of the Illustrious and Reverend Bishop of Platenia.

[*Latin ed. p. 701*]

701. Secretariat of State. And thus it was published, pronounced, decreed, declared, judged; and it was commanded that this definitive sentence should become public law, and that it should be ordered to be executed by all to whom it pertains, not only etc., but also by every etc. Given at Rome, from the halls of the Supreme Tribunal, on the 26th of June, 1910. L.

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Eg S. Nicholas Marini, from the Secretariat. Thus it is. Joseph Adv. Fornari, S. T. A.

SECRETARIAT OF STATE. LETTERS TO THE BARON DE MONTENACH, VICE-PRESIDENT OF THE CATHOLIC POPULAR SOCIETY OF HELVETIA, ON THE OCCASION OF THE FIRST "SOCIAL WEEK" OF THE CATHOLICS OF HELVETIA.

"I have received the letter by which you inform the Holy See of the program of the first "Social Week" of the Swiss Catholics, as well as the guiding principles that its promoters give to this movement of social action, organized under the auspices of the Swiss Catholic Popular Association, approved and blessed by your most venerable Bishops. It is with great satisfaction that the Holy Father receives from you the assurance that the organizers of your "Social Week" are deeply attached to the directives of the Holy See, and are firmly resolved to follow them in practice, by placing their works on the most solid foundations of the vast religious federation, thus serving and uniting your Catholic divisions, and preventing sterile divisions and dangerous infiltrations. Without a doubt, if the speakers and lecturers of your courses are inspired by the same principles, your "Social Week" will be very beneficial to the development of your Catholic institutions."

[*Latin ed. p. 702*]

Acta Apostolicae Sedis. - Commentarium Officiale. 702 The Most Holy Father has granted me the pleasing mandate to send, with His paternal encouragements, the Apostolic Blessing to the organizers of the first Swiss "Social Week." Please accept, Sir, the assurance of my most distinguished sentiments. July 4, 1910. R. L.)${ S. a CARD. MERRY DEL V A L , Secretis Status. DIARIUM ROMANAE CURIAE S. CONGREGAZIONE CONCISTORIALE NOTICE OF COMPETITION. In the Sacred Consistorial Congregation, on the fifteenth day of the coming month of October, a competition will be held for a position of Official. Those who wish to participate therein must, within one month from the date of this notice, present their application, accompanied by the necessary qualifications for admission, to the Secretariat of said Sacred Congregation. Rome, September 7, 1910. Scipione Tecchi, Assessor. S. CONGREGAZIONE DEI RELIGIOSI NOTICE OF COMPETITION. In the Sacred Congregation of Religious, on the fifteenth day of the coming month of October, a competition will be held for a position of Minor Official. Those who wish to participate therein must, within one month from the date of this notice, present their application, accompanied by the necessary qualifications for admission, to the Secretariat of said Sacred Congregation. Rome, September 9, 1910. Francesco

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Cherubini, Under-Secretary.

[*Latin ed. p. 703*]

Year II. - Volume II. September 15, 1910. No. 18.

ACTA APOSTOLICAE SEDIS: OFFICIAL COMMENTARY

ACTS OF POPE PIUS X

LETTERS

I. CONCERNING THE TEMPORARY ADMINISTRATION OF THE SHRINE OF THE BLESSED VIRGIN OF "POUPSIS" IN THE DIOCESE OF HIERACE (GERACE).

THE TITLE OF "SUPERIOR" IS GRANTED PERPETUALLY.

PIUS PP. X.

For the perpetual memory of the matter.

It is most evident that the Shrine of Poupsis, located in the Diocese of Hierace, deserves to be considered among the most sacred and ancient places throughout Calabria, and rightly so. It was, as is said, established by Our Predecessor, the Holy Pope Sylvester, in honor of the Virgin; and throughout the passing centuries, it has been increased, adorned, and embellished by the Roman Pontiffs, as well as by Archbishops and Bishops, and is conspicuous for its marvelous works of art, serving as a nearly perpetual monument to the region of Calabria, and vividly testifying to the faith and devotion of its people. Innumerable crowds of the faithful are wont to gather there each year, imploring the help of the Virgin and offering their thanks. However, recently, the same Shrine has been brought to the brink of ruin by the force of a terrible earthquake, and it needs the help of the clergy and the people in order to be restored and rebuilt.

We, to whom the noble land of Calabria is most dear, desiring to provide certain assistance, so that the same Shrine may soon return to its former splendor, and so that the illustrious edifice of the Virgin of Poupsis, as far as it lies within Our power, may serve to promote the singular will of the Pontiff, and in order also to grant approval to the wishes of the Hieracen Archbishop, who, as is evident, exercises supreme authority over the aforementioned Shrine, We, by Our Apostolic authority, and by these presents, grant perpetually, that the present "Superior" and those who shall follow in this office, shall have the power to appoint and call to the

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aforementioned office, at the discretion of that Archbishop.

[*Latin ed. p. 704*]

Acta Apostolicae Sedis. - Official Commentary. 704 The Urban Prelates, that is, those holding the title and dignity of domestic prelates, may, solely during the exercise of their office, enjoy the benefits thereof. Therefore, with regard to those who are designated by the Bishop for this office in the future, and to those already designated, we hereby grant, with the authority of the Apostolic See, that the aforementioned prelates, as long as they remain in office, may lawfully wear violet vestments, and may also wear a linen almuciated cope or rochet in the Roman Curia, and may enjoy, use, and avail themselves of all honors, privileges, prerogatives, and indulgences which other ecclesiastical men enjoy, use, or may use, by virtue of this dignity. However, we expressly command that these same prelates, if they are removed from office for any reason, or if they voluntarily resign, shall never, under any circumstances, presume to use the title and insignia of domestic prelates. These present letters shall be firm, valid, and fully effective, and shall have their full and complete effect, and shall fully suffice for those to whom they apply, in all respects and in every way; and in matters concerning these things, ordinary judges shall judge and decide, and their judgments shall be valid, and shall be null and void if anyone, with or without authority, knowingly or unknowingly, should attempt to alter them in any way. Notwithstanding Our and the Chancery's regulations regarding matters of law, which are not to be set aside, other Apostolic Constitutions and ordinances, and other special provisions and individual exceptions, may be enacted to the contrary. Given in Rome, at St. Peter's, under the Fisherman's Ring, on the 4th day of May, 1910, in the seventh year of Our Pontificate. R. L. S. CARD. a MERRY DEL VAL, Secretary of State. To the Most Eminent Lords, Cardinals of the Holy Roman Church, GEORGE KOPP, Bishop of Wratislavia; ANTONIO FISCHER, Archbishop of Cologne; and to the other Archbishops and Bishops of the Kingdom of Prussia, assembled at Fulda. PIUS PP. X. Our beloved sons and venerable brothers, greetings and the apostolic blessing. The full letters which you sent to Us on the 23rd of last August sufficiently demonstrate the full love and obedience with which you intend to hold the assembly at Fulda, which is customary. We understand that this is a matter of importance, requiring the special attention of the sacred prelates.

[*Latin ed. p. 705*]

705 The Acts of Pope Pius X demonstrate that you considered nothing more fitting than to propose the illustrious examples of Charles Borromeo for your own imitation, and also to keep in mind those things which We recently pointed out with great emphasis in Our Encyclical Letters concerning that holy man. May the light of this example help you to perceive the

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incentives that are added to your studies, so that you may ward off the grievous errors of this age, foster piety, and strive to guide the morals of the people in accordance with the principles of Christian life. Therefore, without any doubt, We pray that the Most Clement God may confirm you in your holy purpose, may unite you more closely with Us in thought and deed, and may make you fearless defenders of the Catholic Faith and champions of discipline, so that you may, as before, merit the highest praise for your religion and for your people. That all these things may come to pass, We impart to you, Our beloved Sons and Venerable Brothers, and to those entrusted to your faithful care, Our Apostolic Blessing, a testament of paternal affection. Given in Rome, at St. Peter's, on the second day of September, in the eighth year of Our Pontificate. R. L. j$j S. CARD. a MERRY DEL Secretis VAL, Status. III. TO THE GENERAL MINISTERS OF THE TRIPLE FAMILIES OF THE ORDER OF MINOR FRATRES. 1 DIONYSIO SCHULER, DOMINICO REUTER, PACIFICO A SEIANO. PIUS PP. X. FOR PERPETUAL REMEMBRANCE. Beloved Sons, greetings and Apostolic Blessing. — A few days ago, on the occasion of the secular celebrations commemorating the founding of the Franciscan Order, We issued the Apostolic Letters "Septimo iam pleno saeculo" with the very purpose of strengthening the fraternal concord that should exist among the three families of your Order. Now, drawn by the same desire for concord, We return to those things which We declared or decreed through those very Letters, so that the mind and will of the Apostolic See may be more clearly illustrated in this matter. For the causes of disputes and disagreements, or for human desires that lie beneath them, are condemned in a certain Memorial. The authors of that Memorial humbly submit themselves.

[*Latin ed. p. 706*]

706 Acta Apostolicae Sedis. - Official Commentary. They have often brought about errors, either through a false appearance of correctness or through errors in opinions, and it is now necessary to remove all of these from the midst. Therefore, having established all that We have defined, instituted, and granted in those Apostolic Letters which We have mentioned, We also wish that these further documents and precepts be inviolably observed by all, forever. I. Although Blessed Francis called the members of his Order simply "Brothers Minor," this did not, in any way, prevent the Order of the Franciscans, canonically divided first into two, and then into three Families, from finding a particular designation, added to the name of the Brothers Minor, by which they could easily distinguish themselves; and no one would dare to say that this contradicted the intention of the Seraphic Patriarch. II. The Conventual Minorites, indeed, as a distinct body, did not exist before the year 1517; but likewise, the Minorites of the Regular Observance, as a distinct body, existed only from that very year and day, on which the Conventuals legitimately began

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to exist. Before the Constitution "Ite et vos," promulgated by Leo X on May 29, 1517, the Order of the Minorites did not consist only of the Conventuals, nor only of the Observants, but of both. Pope Leo X himself, in that Constitution, uniting the Brothers "who observe the Rule of Blessed Francis purely and simply," said, "from all of these aforementioned, We form one body together, and We unite them perpetually to one another." Regarding this fact, Leo XIII affirms: "After the separation of some from others, the Observants arose from this side, the Conventuals from that side... From the prior Family of the Brothers Capuchins, a tripartite division followed." III. It is also not permissible for the Conventuals to renounce their proper name and reason, as if they did not observe the Rule of Saint Francis in certain important matters. This is an injury to those religious men who, although they follow a milder discipline in certain chapters of the Seraphic Rule, with the permission of the Apostolic See, nevertheless never fail to observe the precepts and counsels in which the essence of that Rule consists. If the legitimate use of a privilege or dispensation, which mitigates the Rule in some way, were to indicate a degeneration of the holy offspring of some Founder, it would be difficult to find a religious Order whose members, whether superiors or students, could always legitimately call themselves the sons of their Founder; since it often happens that the indulgence of the Apostolic See is needed, which tempers the rigor of the Rule. This is confirmed by many acts of the Apostolic See, both ancient and recent; from which it appears that indulgences have been granted not only to the Observants, but also to the Capuchins themselves, and that these were not granted only to individual members or monasteries, but also to certain provinces and, for a time, to the entire Family.

[*Latin ed. p. 707*]

Acts of Pope Pius X. And this, both concerning poverty and the management of goods: yet, for this reason, no one suspected that the true Minor Friars, as they had been, had ceased to be. IV. But since the Capuchin Minor Friars arose from the Minor Friars of Regular Observance, they are not to be considered of a lower condition, and much less are they to be deprived of the pure and simple appellation of the Minor Friars. For they are nothing other than Franciscan brethren, who, having commonly observed the Seraphic Rule within the bosom of the Observant Family from the beginning, subsequently continued to observe that same Rule with a zeal for stricter discipline, uniting themselves separately into a Minorite body, canonically established and recognized by the authority of the Apostolic See, under the name of the Capuchins. V. It is a most presumptuous opinion, which, rightly argued, can be understood, to assert that Saint Francis is the only legitimate or authentic parent of a single Minorite Family, namely, the Friars of Regular Observance; nor is it less presumptuously contended that, if each of the three Families were to use its own proper name, it would

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follow that none of the three Franciscan Families that exist today would have originated from Francis, and therefore that the true Order of Franciscans has already ceased to exist: which amounts to this, that neither are the Conventuals nor the Capuchins to be considered legitimate or authentic Fathers, and that neither of these Families is a true Franciscan Order. VI. It is unjust to the Conventuals and the Capuchins to deny that they are counted in the First Order in exactly the same way as the brethren of Regular Observance, because the former use pontifical indulgences, while the latter do not entirely follow Francis, who ordered all the members of his institute to obey a single General Minister. VII. To attempt to persuade that the Family of the Minor Friars of Regular Observance is the only one whose continuity of legitimate life from the blessed Francis to this day can be shown by both historical records and legal arguments, is insulting to the other two Franciscan Families, and contrary to the right of those families, a right sanctioned by the Apostolic See; by which right they are recognized, without any interruption, up to the Seraphic Founder. VIII. Also false and injurious to the other two Minorite Families are these statements: either that the uninterrupted succession of the original Order of the Minor Friars is found only in the Family of the Friars of Regular Observance and in the series of its General Ministers, or that the successor of Saint Francis is a legitimate one, because of the uninterrupted succession of his predecessor, and is no one other than the General Minister of the entire Order of the Minor Friars, or of Regular Observance.

[*Latin ed. p. 708*]

Acts of the Apostolic See. - Official Commentary. 708 I X. But if, in any religious Order canonically divided into two or more Families or Congregations, which, while observing the same Rule, follow Constitutions of differing monastic severity, those whom we condemn here, if they were to flourish, would certainly increase the examples of brothers contending among themselves with persistent zeal, concerning the primacy of the Congregations, the dignity of the superiors, and the inheritance and succession of their Founder, causing great offense to the Christian people, and greater damage to Christian humility, fraternal charity, and religious discipline.

Therefore, concerning any religious Order, canonically divided into several Families, which observe the same Rule according to their respective Constitutions, we decree that all members are to be considered as belonging to the legitimate, original, or undivided stock of the Order, regardless of which of the Families into which the Order has been properly divided they belong; and that all the supreme superiors thereof are to be considered as having equal rights as true and legitimate successors of the Founder, since they have been derived from him without any interruption; and that these superiors, even when one of them should seek the approval of his creation from another, have exercised, and are to exercise, their full authority and

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jurisdiction, both in law and in fact, over their respective subjects.

X. Although the three Families of the Minor Orders are not, as they are today, canonically constituted before the sixteenth century; nevertheless, all of them, in every respect and with equal rights, "have their origin or beginning, in reality and with effect, from the time of the original and fundamental institution of the Seraphic Rule, without any interruption or division, through a true and unbroken line," as has been solemnly declared by Our predecessors, Leo X, Clement VIII, Paul V, Urban VIII, Clement XI, and by Ourselves in the case of the Observants, the Reformers, and the Capuchins; and these declarations are also fully supported by the General Chapters.

X I. Therefore, it is not permissible to assert: "That two or three Generals of the Minor Orders cannot be at the same time true and legitimate successors of Saint Francis, unless in manifest contempt of his will, just as it is not permissible for two or three Supreme Pontiffs to be at the same time, and to be considered Vicars of Jesus Christ and successors of Saint Peter, when Christ Himself openly commanded that one should preside over His Church." By asserting this, first, a great confusion is created between ecclesiastical law and divine law; then, a pernicious error is admitted by equating the succession of the Pontiffs in the Chair of the Blessed Peter with the succession of superiors in the supreme government of religious Orders; whereas the force of this succession remains entirely dependent on the authority of the Apostolic See.

[*Latin ed. p. 709*]

709 The Acts of Pope Pius X, of the Holy See, to which the Religious Orders owe whatever rights they possess, and by which they exist; and the succession of the Pontiffs is sustained by the ordination of Our Lord Jesus Christ. XI. The following words must always be applied to the three Minorite families, and to each of their members, words which the Holy Congregation of the Council used when the matter of the Third Order was being considered, and which Pope Benedict XIV subsequently added in his Apostolic Letter "Laudabile" on August 2, 1745: "This faculty and power of establishing the Third Order of Penance has been upon all those who are legitimate sons and true successors of the holy Francis, the father of all these, whatever name they may bear, whether Minorites of the Observance, or Discalced, or Recollects, or by any other name, and this has extended even to the Minorite Capuchins." And this is right: for all are equally Franciscans. It is to be lamented, therefore, that so much and for so long there has been discussion about these matters, with the intention of elevating one Minorite family above the others, when the Apostolic See recognizes each of these brothers as true successors of Saint Francis. XII. Those words in the Constitution "Felicitate quadam" concerning the Brothers of the Regular Observance: "Those who, by the concession of the

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Apostolic See, precede all others in place and honor, and who retain the name of the Brothers Minor, accepted by Leo X," and also those who "call the General Minister of the entire Order of Minorites, as is proper," are not to be understood as signifying the primacy of that Minorite family over the other two, nor as indicating that only that family possesses unbroken succession from Saint Francis, but rather as denoting that the Family of the Regular Observance should be counted first among the legitimate Minorite families; that the General Minister of that family should precede the other two General Ministers in assemblies and public gatherings; and that, for the sake of honor, he may rightly use the title of General Minister of the entire Order of Minorites, and affix a seal bearing that very title. XIV. The name "Brothers Minor" was certainly given to the Brothers of the Regular Observance by Leo X, and Leo XIII confirmed it, as it had been given by his predecessor. But neither Pope intended that such a designation should ever be imposed, even if it seemed necessary to avoid ambiguity; and even less that it should be turned into an instrument of empty glory, to the detriment of the members of the other families. For Leo X granted the Brothers, of whom we are speaking, the faculty to do something, but he did not impose the necessity of using that very name: for, when he solemnly called them "Brothers Minor of Saint Francis," he did not intend to impose a name that would exclude the others.

[*Latin ed. p. 710*]

Acta Apostolicae Sedis. - Official Commentary. 710. Concerning those of the Observant Order, it was said that it was permissible for them, whether jointly or separately, to use this title, that is, to express, either explicitly or tacitly, the name of the Regular Observance. However, it is scarcely necessary to say that this title not only signifies the praise of the discipline of their members, but also a distinctive mark, which distinguishes them from other Franciscan Brothers. — Indeed, it appears that Leo X intended nothing other than this, since a few days after the promulgation of the Constitution "Ite et vos," in the Apostolic Letters "Cum in honorem" of June 6, 1517, and subsequently in many other instances, he calls those Franciscan Brothers whom he had united, "Brothers of the Regular Observance," or "of the Observance," or "of the Order of the Blessed Francis of the Regular Observance." Furthermore, when mentioning the two branches of the Franciscan family established by him, he calls them "Observant Brothers and Conventual Brothers." — And it must be noted that nothing can be inferred from the Constitution "Licet alias" of June 6, 1517, of the same Leo, which would be detrimental to the Conventuals and the Capuchins. For there the Pontiff does nothing other than defend the Brothers of the Regular Observance against some who denied that they were true sons of Francis. Therefore, when he says: "That... they have always been, and, by the grace of God, will always be, true Brothers of the Order of the Blessed Francis and

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observers of his Rule," he certainly affirms what the adversaries denied, namely that they are true Franciscan Brothers, and he does not exclude others. Moreover, the same Apostolic See subsequently used these very words in the case of the Minor Strict Observance and the Capuchins; words which We quoted in the Apostolic Letters "Septimo iam." — Furthermore, those Popes who followed Leo X also customarily designated these same Franciscan Brothers, united by him, by the name of the Regular Observance, with the addition of that designation. Thus, Hadrian V, Clement XI, Paul III, Julius III, Paul IV, Pius IV, Pius V, Gregory XIII, Sixtus V, Clement VIII. Nor did our predecessors act otherwise until the promulgation of the Constitution "Felicitate quadam," who, when speaking of these Minorites, almost always used the designation of the Regular Observance. Indeed, this designation has always been and is in common use among the Brothers themselves; concerning which, a recent Manual of the History of the Franciscan Order has an unjust complaint (where there are other, not a few, things that are far from commendable): "It is regrettable that the Order so insisted on the title of Regular 'Observance,' that it retained it until the year 1897." Here, therefore, this title, used for six centuries in Apostolic Letters, especially from the year 1517 to the year 1897, has always been and will be honorable to the Franciscan family of which we are speaking. But no less honorable is that which We attribute to the Brothers of the Union.

[*Latin ed. p. 711*]

Acts of Pope Pius PP. 711 X. Leonian: for it contains the record of a double event, namely the memory of the most worthy union, which was once accomplished by Leo X through the Constitution "Ite et vos," and again by Leo XIII through the Constitution "Felicitate quadam." But if anyone were to contend that the name of the Brothers Minor should always be used, with all additions rejected, that person would certainly raise suspicion, not so much defending the title of his Family, which was never granted as proper and peculiar, as wishing to abuse this very title to belittle other Families, and to exalt his own. XVI. The Supreme Moderator of the Brothers from the Leonian Union is most frequently called by the Popes of Rome, the Brothers Minor, Regular, but Minister of Observance, not Minister or General of the entire Order of the Brothers of the Blessed Francis of San Francisco of Observance, or Regular. Thus, Leo X, after the union was completed, and his immediate successors in many letters; thus, others, until Leo XIII, did so, as the acts of the Apostolic See testify. Therefore, that person may freely use the title of Minister General of the entire Order of the Brothers Minor, and may demand that his subordinates use it; but, if he is wise, he will not tolerate that it be called, especially by those who are not under his jurisdiction, with the addition of "of the Leonian Union," which is a historical designation, or "of Regular Observance," which is the emblem of the Family, in order to avoid ambiguity. XVII. It is clear from these things

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how much injustice is involved in the title of the Leonian Union: a) either by implying that it undermines the legitimate Order of the Brothers Minor, founded by their Founder, who still lives; - as if two other Families of the Brothers Minor did not also live legitimately, or did not derive their origin from the very Founder; b) or that, since these same Brothers Minor, after the Constitution "Felicitate quadam" was issued, began to be considered legitimate for twelve years; - for this clearly contradicts our letters "Septimo iam"; c) or that it is contrary to the mind of Leo XIII and the words of his Constitution "Felicitate quadam"; - as if that Pope had understood the name of the Brothers Minor differently than Leo X, whom he followed, and as if it should be understood in so many places. If our predecessor, the most wise Leo XIII, had foreseen these incorrect interpretations of his words, it is likely that he himself would have used the title of the Brothers Minor of Regular Observance, as Leo himself and his successors did until the year 1897.

[*Latin ed. p. 712*]

Acts of the Apostolic See. - Official Commentary. 712 d) or that which prevents the continuation of the Holy Order of the Friars Minor during this space of seven centuries in Lodi, with which it is adorned: - with these words, it is wrongly meant that the Holy Minorites, who flourished before the Union made by Leo X, are to be ascribed, not to three Families, as a common heritage of glory, but to a single Family of the Observance. But if the Conventuals and Capuchins call the blessed souls of heaven, who "have sprung forth from their Families, after having been rightly constituted separately from others," by their own name, they violate no right; for it is fitting for them, as well as for the Friars of the Regular Observance, to do so. However, it is fitting in the Litanies of the Saints, which the Franciscans use by Apostolic privilege, that all the Saints from the first Order of the Minorites, both those who were before the division into three Families, and those who were after it, are invoked without any Family name. And it is desirable that in the Calendars of the three Families, the Saints and Blesseds of the Franciscan Order alone should be noted; as is customary among other Religious Orders, divided into several Families or Congregations, for the sake of fostering fraternal charity.

XVIII. Furthermore, I do not see the reason why the historical title of the Leonine Union should not please the Friars Minor, to whom it was granted, since both Leo X and Leo XIII conferred great merits upon that Family. - Also, it does not appear why this distinction is made, so that this title should imply a simple Leonine Union, which only a few of the Friars Minor obtained, and not a union of the Friars Minor themselves; unless it is that they are deceived by the opinion that they attribute to this name a certain primacy over the other Franciscans, which the Apostolic See never granted. - To affirm that this title of the Leonine Union is a great and unjust mark of

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shame to the Order of the Minorites is, indeed, injurious to the Apostolic See, and far removed from the Seraphic spirit. This title, given in honor of the two Pontiffs and in memory of a double and most illustrious event, and which was bestowed by letters full of love and benevolence towards the entire Franciscan family, by which certain honorable privileges were confirmed for the Regular Observance Family, it is, I say, a sacrilege to turn this title into shame for the Family itself, when rather it should contribute to its glory. But only those can see it as less honorable, to whom it is an obstacle to boasting of being superior to their brethren through injustice.

XIX. Nevertheless, if the Friars Minor of the Leonine Union prefer it, that when the name of the Friars Minor seems ambiguous, the title should be used, until the Constitution is promulgated.

[*Latin ed. p. 713*]

From the Acts of Pope Pius X: "With a certain joy," Regularis 713 Observantiae, "We are most willing to grant this to them." Furthermore, finally, We impose perpetual silence on all and each of the Brothers Minor of the three Families regarding such matters; and We desire that from all of them, as from twin sons of the most holy Father, one heart and one soul be formed. And all these things We decree, We command, with the understanding that any contradictions, even those deserving of special mention, are in no way to be considered. – May the divine gifts be with you, beloved sons, and may We impart the Apostolic Blessing to you and to the entire Seraphic Order, as a witness of Our special benevolence. Given in Rome, at St. Peter's, on the first of November, in the year 1909, in the seventh year of Our Pontificate. PIUS PP. X. IV. CONCERNING THE RIGHT OF PRECEDENCE IN SACRED PROCESSIONS AND FUNCTIONS IN THE THREE MINOR ORDERS. PIUS, BISHOP, SERVANT OF THE SERVANTS OF GOD, FOR PERPETUAL REMEMBRANCE. Since the Seraphic Order has always been favored by the Roman Pontiffs, Our predecessors, with singular benevolence, and since its families have been enriched with special graces and privileges for the good of the faithful; We, who are moved by the same love towards the aforementioned Order, and who, desiring above all else to promote the good of the Church of God, and to further the perfect observance of religion on the part of each religious, have deemed it opportune to write these letters by Our own authority and with certain knowledge, in order more effectively to strengthen peace and true harmony among them. The illustrious Master of Humility and Gentleness, the Blessed Pope Francis, exhorts his beloved sons in the Rule, chapter X: "that they beware of all pride, vain glory, envy, avarice, and the cares and solicitudes of this world, of detraction and murmuring." Concerning this matter, the Seraphic Doctor says in his commentary on the Rule of the Brothers Minor: "From all pride, which is the mother, from vain glory, which is according to Gregory.

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And he says explicitly: From all the offspring of pride, from all pride..."

[*Latin ed. p. 714*]

Acta Apostolicae Sedis. - Official Commentary. 714 Pride is with respect to the superior, the inferior, and the equal. Hence, Gregory says concerning the words of Job: "Envy destroys the small." The proud man envies those above him, because he does not equal them; he envies those equal to him, because they are equal to him; he envies those below him, lest they become equal to him.

He touches upon the principal vice concerning the neighbor when he says: "Through detraction and murmuring." Therefore, Ecclesiastes, chapter X, verse 11, says: "If a serpent bite in silence, he is nothing better that backbiteth secretly." This bite infuses much poison into the Order, because it disturbs many who are at peace; and therefore, whisperers and detractors are hateful to God. Hence, in the same Rule, chapter III, the most holy Founder prescribes that his brothers "should not contend with each other in words, nor judge one another; but should be meek, peaceful, and moderate, gentle and humble." These words the Seraphic Doctor explains in the aforementioned discourse: "Meek, in spirit; peaceful, in word; moderate, in deed; gentle, towards the neighbor; humble, towards God." And in the fifth discourse on St. Francis, the aforementioned Seraphic Father introduces the brothers to meekness and humility, and says: "Therefore, let no one have a wicked eye, because God is good; but let all hear and learn the doctrine of Christ, indeed, of Francis, as that of a good doctor, who taught what he said, without deception, without falsehood, without omission, without doubt. Therefore, let Blessed Francis say: 'Learn, by exhorting others; let him also say, by informing others: because I am meek and humble of heart. Learn, that is, be meek and humble according to my example. A man is meek through the affection of brotherhood; humble, through the affection of inferiority, or of being less; therefore, to be meek is to be a brother to all; to be humble is to be less than all: therefore, to be meek and humble of heart is to be truly a Minor Brother; therefore, learn from me to be meek and humble, that is, to be Minor Brothers.'"

Furthermore, in the commentaries on the Gospel of St. Luke, chapter IX, he says: "The more humble we are, the less we are susceptible to the tumor of pride; and the less we are susceptible to the tumor of pride, the more we are filled with love; and the more we are filled with this, the greater we are... therefore, the lesser is greater, because the more humble a person is, the more like Christ he is, and therefore the closer he is to Him; and Christ is the greatest; but the more a person is close to the greatest, the greater he is: therefore, the more a person is less, the greater he is; and this is what He Himself indicated below in the twenty-second [chapter]... Therefore, among spiritual men, there should be no contention for the first place, but for the last, because that honor is greater."

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Therefore, in the fourth discourse on St. Francis, he concludes: "A great weight has been placed upon us, I tell you, that we are called Minorites, because we must consider ourselves inferior and less valuable than all."

[*Latin ed. p. 715*]

Acta Pii PP. X. 715 "It may displease you sometimes when you see someone among us acting with pride; certainly, it displeases God much more." Therefore, it should be hoped that among the sons of Francis, there would never be contention regarding the first place, but only regarding the last; but the enemy, under the guise of good, under the empty pretext of zeal for the honor of his own congregation, has stirred up many controversies among the three Minorite families, which have created countless disputes, which have been settled by the Holy See, in which each family has been accustomed to conveniently and inconveniently allege the victories that it had previously obtained against the opposing party in the dispute. Nor have such controversies ceased in these modern times; for these four years, the two principal Minorite families have begun to dispute among themselves about the right of precedence in processions and other sacred functions. Therefore, that all contentions regarding precedence may be completely eliminated from the three families of the Brothers Minor, and that those newly arisen may be suppressed, by the fullness of Our Apostolic power (whatever may have been previously regarding the right or fact of precedence among the aforementioned Minorite families), after having first confirmed all that is contained in Our Apostolic Letters "Septimo iam pleno saeculo," of October 4, 1909, and "Paucis ante diebus," published on November 1 of the same year 1909, especially regarding the precedence of the three Generals among themselves, we decree, always and forever, that they must be held and are equal in dignity, and that all, from the very Seraphic Father, may rightfully follow in the perpetual series of their predecessors; regarding the precedence in each individual convent, which follows, we decree, declare, order, and strictly command to be observed, namely: I. In all and each of the three families of the Minorite Order, the following rule of precedence shall be observed: That Minorite family which is older in a city or place shall precede the other Minorite families, unless it is certain that the Minorite family that is newer in the city or place is established in the possession of precedence. However, with the limitations specified below. II. Since the proof of possession, or quasi-possession, most often becomes the occasion for disputes, and the proof of antiquity in a city or place is usually simpler and easier, we decree that the rule of possession, or quasi-possession, with regard to the Minorite families, shall be reduced to the most recent decade, in this way: The Minorite family that, at least within the time period from January 1, 1900, to August 15, 1910, inclusive, actually and effectively possesses precedence over another or other

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Minorite families, shall perpetually precede the other or others, even if...

[*Latin ed. p. 716*]

Acts of the Apostolic See. - The aforementioned possession, provided it is real and actual, shall be found to be free from any defect; in which case, it shall be considered healed and validated, as We intend to heal and validate it now. - However, if, during this decade, none of the three Minorite Families has the opportunity to exercise an actual act of precedence, because no processions have been held in the city or place, or because none of those Minorite Families have participated in them, then only the priority of the foundation of the convent shall be considered. - Regarding future foundations of Minorite convents, if, over time, any controversy arises between the Minorite Families concerning precedence in any city or place, it shall always be the case that only the priority of the convent is considered, and never the possession. III. Because, moreover, the very principle of the antiquity of one convent over another, in such a state of upheaval, especially with the suppression and destruction of convents, can sometimes be subject to serious difficulties, especially if, after a long series of years, a community is re-established in a city or place with a prior, older foundation, and claims ancient precedence; We, in order to prevent future controversies from arising from this point as well, decree that the principle of the antiquity of the convent shall no longer be invoked by the Minorite Families among themselves in future re-establishments of old convents or in the construction of new ones in place of old ones, by a Family that has re-established itself in a city or place where a convent with an older foundation existed, if that Family has been absent from that city or place for fifty complete years for any reason. Therefore, if a community returns to an old convent, or builds a new one, after being absent for at least fifty complete years, the antiquity of that community shall be counted from its return, or from the restoration of the canonical Family. - Regarding old convents that have already been re-established or newly constructed by a Minorite Family that had a convent older in the city or place, the provisions in articles I and II shall be observed. IV. Saving what has been said about possession, precedence with regard to individual convents shall apply only to the city with its suburb, or the place with its suburb, and therefore only to the district, which is sometimes called communal and sometimes municipal. Therefore, outside the proper district, those who possess a convent in that other district shall have precedence; and if none of the Minorite Families has a convent in that place not within its own district, or within its own communal or municipal district, precedence shall follow this order: first, the Friars Minor of the Leonine Union; second, the

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Conventual Friars Minor; third, the Capuchin Friars Minor.

[*Latin ed. p. 717*]

Acta Pii PP. X. 717 V. Finally, if, due to a certain deficiency in authentic documents or possession, as described in Article II, doubt persists regarding antiquity or the possession itself, We grant that precedence be given to the Minorites of the Leonine Union over the Conventual Minorites and the Capuchin Minorites, and to the Conventual Minorites over the Capuchin Minorites. VI. Regarding the gatherings of the three branches of the Franciscan Order in Rome and Assisi, absolutely nothing shall be changed. VII. However, if, may God prevent it, some new controversy regarding precedence between the three branches of the Franciscan Order should arise, the Ordinary of the place shall settle the matter with authority and in the name of the Holy See, according to the prescriptions of these Apostolic Letters; for this purpose, only authentic documents shall be admitted, and, having omitted all judicial formalities, by a summary, extrajudicial, and administrative procedure, he shall impose an end to the controversy with a brief decree, entirely free of charge. The Holy Congregation, responsible for the affairs of Religious Orders, shall refer all appeals regarding precedence between the three branches of the Franciscan Order to the Ordinary of the place, with the warning that, without delay, he resolve the controversy; and if, in any extraordinary case, the Holy Congregation itself deems it necessary to reserve judgment for itself, it shall observe the same rule that is prescribed to the Ordinaries; therefore, it shall completely reject any investigations, writings, and all things that cannot be considered as authentic documents, and shall define the matter with the utmost urgency; and whenever a Franciscan community is found to be litigating rashly, or under the pretext of precedence, promoting dissensions between the Franciscan branches of the same city or place, judgment shall be pronounced against it, and the case shall not be admitted further. We decree that these present Letters and everything contained within them shall never be subject to any flaw of subreption, or of prevarication, or of any other defect, but shall always be valid and remain in full force, and shall be observed inviolably by all, of whatever rank and prominence, in judgment and outside of it; and We declare that they shall be rendered null and void, if anyone, knowingly or unknowingly, should attempt to violate them through any authority or pretext, contrary to all things, even those of special and most special significance; and with all of this, from the fullness of Our power, with certain knowledge and by Our own motion regarding the aforementioned, We expressly derogate and declare to have derogated. We wish that the same faith be given to these Letters, even in printed form, as would be given to Our will, as shown in these present documents, provided that they are signed by the hand of a notary and sealed with the seal of a man of dignity

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established in the Church.

[*Latin ed. p. 718*]

Acta Apostolicae Sedis. - Official Commentary. 718 Therefore, no human being may infringe upon this page of Our Constitution, ordinance, limitation, derogation, or will, nor dare to contradict it with reckless audacity. If anyone should presume to attempt this, let them know that they will incur the indignation of Almighty God and of the blessed Apostles Peter and Paul. Given in Rome, at St. Peter's, under the Fisherman's Ring, on the feast of the Assumption of the Blessed Virgin Mary, August 15, 1900, in the eighth year of Our Pontificate. PIUS PP. X. BY PROPER MOTU. TO BE ADDED IN THE LAURETAN LITANIES AMONG FRANCISCAN FAMILIES. PIUS PP. X. For the perpetual memory of this matter. — Because of the singular sense of benevolence and charity with which the entire Order of Brothers, upon the occasion of the completion of the seventh century since the beginning of this most illustrious Order, has been filled, We have deemed it fitting to declare many things for its praise, adornment, and glory. Furthermore, for the increase of piety, religious observance, and fraternal concord among all and each of the disciples of the Seraphic Father, and for a greater safeguard for each of the three Minorite Families, in full equality of rights and dignity, We have declared, decreed, and established that these things shall be observed perpetually. All of these things, We have considered fitting to be placed today under the special protection of the Blessed Virgin Mary ever-virgin, and to be confirmed as a new argument of Our love. Remembering the incredible piety of St. Francis towards the Most Blessed Mother of God, and in memory of the sons of so great a Father, We desire to recall these words of Thomas of Celano: "He paid her special honors, poured forth prayers, offered affections, as much as and as often as human language could express. But what is most pleasing is that he made her the Advocate of the Order, and with her wings, which he was about to leave to his sons, he entrusted them until the end, to be cherished and protected." Concerning this, the Seraphic Doctor says: "He embraced the Mother of our Lord Jesus Christ with an indescribable love, because..."

[*Latin ed. p. 719*]

719 The Acts of Pope Pius X state: "May the Lord of majesty grant us a brother, and through her, may we attain mercy. In her, after Christ, He placed His greatest trust, and appointed her Advocate for Himself and for others." Therefore, from the very beginnings of his Order (and so the aforementioned Doctor continues), "the humble shepherd of the small flock, Francis, led that number of brothers, twelve in all, to the Holy Mary of Porziuncula, so that, after the Order of the Poor had begun through the merits of the Mother of God, he might there receive its growth through her help. There also, he became a herald of the Gospel, going through cities

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and camps, not with the learned words of human wisdom, but proclaiming the Kingdom of God in the power of the Spirit." Above all, this most holy Doctor wished that his brothers might be more and more confirmed each day through the Blessed Virgin Mary, so that they might be truly Poor, not in appearance only, but in heart, word, and deed; truly humble, and truly meek, and therefore humble, poor, and poor in the evangelical poverty, founded in perfect humility. Therefore, frequently commending this humility in true poverty, and poverty in true humility, he speaks thus: "Francis wished his brothers to be called 'Minors,' and the prelates of his Order to be called 'Ministers,' so that he might use the words of the Gospel, which he had promised to observe, and so that his disciples might learn from the very name that they had come to the schools of humble Christ in order to learn humility. Indeed, Christ Jesus, the Master of humility, in order to instruct his disciples in perfect humility, said: 'Whoever wishes to be great among you shall be your servant; and whoever wishes to be first among you shall be your servant.'" To defend the rights of this poverty founded in humility, he addresses the Mother of God in this way: "But you also, O most worthy Queen of the world, Defender of the poor and Advocate of the humble, far more exalted than Esther, who was raised up among the people and prepared in time, arouse the clamor of your Mordechai, that is, of your Francis, so that you may deign to intercede with the King, that the condition of the poor, which You wished to be similar to your own and joined to you by a special bond of kinship, may be clarified and preserved by your holy examples and merits. For what gives more encouragement to the love of poverty, and declares more clearly its prerogative and glory, than your way of life, most Blessed Virgin and Mother of our Lord Jesus Christ, who was so poor that, as the sacred history of the Gospel testifies, you had nothing in that most sacred birth."

[*Latin ed. p. 720*]

Acts of the Apostolic Sees. - Official Commentary. 720 "Do they adore God of heaven and the Lord of hosts, except those who travel on public roads and in the stable of beasts?" But that the exhortations and counsels of the Legislator, and of his most holy and most wise son, Bonaventure, the Seraphic Doctor, in the general ministry of his successor, the most worthy of the Order, which we have always considered to be faithfully and devoutly recalled by each and every Brother Minor, and that all things which we have declared in our repeated Letters, we command, order, and require to be observed with perfect obedience, and to be held with the affection of fraternal love and with the increase of all virtues; We, because to certain religious families it has been granted by the Apostolic See, namely, to invoke the Most Holy Mother of God in the Lauretan Litany, with the particular invocation of their own Order, We grant this, by the fullness of Our Apostolic power, as a new and special pledge of Our benevolence

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towards the sons of Saint Francis, forever. We command, therefore, that in all and each convent, church, oratory, and in their own processions, and in sacred functions, in which the Lauretan Litany is usually recited or sung, after the invocation: "Regina Angelorum," the following be added: "Regina, Regina Sacratissimi Ordinis Minorum. Under this invocation, we implore the protection of the Immaculate Virgin: I. For all and each of the members of the threefold Minorite Family, and for their General Ministers, who all, with equal right, follow the perpetual series of their predecessors from the very Seraphic Father. II. For the nuns who follow the Rule of Saint Clare, whatever their name may be. III. For the tertiaries of both sexes, who live a life in religious community; and for the tertiaries living in the world, subject to the jurisdiction or direction of any of the Franciscan Families. Contrary things, even those worthy of special mention, notwithstanding. Given at Rome, near Saint Peter, on the feast of the Nativity of the Blessed Virgin Mary, September 8, 1910, in the eighth year of Our Pontificate. PIUS PP. X. 1 Apologia pauperum, chapter 11.

[*Latin ed. p. 721*]

ACTS OF POPE PIUS X. LETTERS. I. TO THE MOST DISTINGUISHED MAN, CARDINAL VINCENT VANNUTELLI OF THE HOLY ROMAN CHURCH, BISHOP OF PRAENESTE, ELECTED TO PRESIDE OVER THE EUCHARISTIC CONGRESS OF MARIANOPOLIS.

Beloved Son, health and the apostolic blessing. — The concern which compels us to foster devotion to the Most Holy Eucharist, from which, as from a source, abundant streams of divine grace flow to each and every faithful person and to the entire Christian society, leads us to receive with pleasure the custom, established for some time, by which solemn gatherings are held in various regions of the world concerning this great Mystery. Therefore, when we received news that an Eucharistic Congress was being prepared in Marianopolis among the Canadians, desiring to add splendor to it and to honor our beloved Sons, the Archbishop of Marianopolis, who has shown particular zeal in promoting the celebration and adornment of the same in his city, and the Prelate of Uzes, whose long-standing dedication has been devoted to such gatherings, we decided to entrust you, beloved Son, with representing Our Person in that assembly.

Wherefore, by these letters, we declare you Our Legate, who will preside over the Marianopolitan Congress in Our name and in Our stead. This task is entrusted to you, consonant with your piety and dignity, and greatly conducive to the advancement of the Christian cause. For through this celebration, the Eucharistic Bread, without limit of place and without division, will unite lands separated by the ocean, and will add strength to the nations, so that they may vindicate and promote the glory of the Savior of God, and so that they may duly honor His Vicar on earth, the center of Christian communion, with faith and obedience. Therefore, let all things

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be undertaken in that assembly which will cause the religion of the August Sacrament to shine more brightly and to be held in greater honor; so that the insults offered to it may be remedied; so that the frequent use of the Eucharist may be revived; so that each one may realize that nothing is more effective in uniting minds in the bond of mutual peace and goodwill, which is so necessary for Christian and civil society; and so that, through writings and manifold actions undertaken for this purpose, people may be led to better things.

The Congress itself will undoubtedly have a happy outcome, given the virtue displayed by the sacred prelates and illustrious men who will be present, and the zeal of this noble nation in receiving them and in carrying out all that will be established in your deliberations. But...

[*Latin ed. p. 722*]

722 Acta Apostolicae Sedis. - Official Commentary. It also relies more strongly on the confidence in the help of Him whose cause is at stake, our Savior, who said: "Where two or three are gathered together in my name, there am I in the midst of them." May you, meanwhile, draw from the fountains of the Savior's grace with joy, and as a witness of our particular benevolence, we impart the Apostolic Blessing to you, beloved Son, and to all who will participate with you in the Marianopolitan gathering. Given in Rome, at Saint Peter's, on the ninth day of the month of May, in the year 1910, in the seventh year of Our Pontificate. PIUS PP. X. II. TO THE REVEREND FATHER JOHN VOLPI, BISHOP OF ARREZZO, CONCERNING A MEETING HELD BY HIS VICARS FORANE. Venerable Brother, greetings and the Apostolic Blessing. — We have learned from your letters that the Vicars Forane of this Arretine diocese, gathered in your house, have, with a spirit of earnestness and with complete agreement, presented to you their thoughts and plans concerning matters in which the clergy can serve the good of the people. This has given Our heart considerable comfort. And it is a testimony of your faith and obedience to Us and to this Apostolic See, which was indeed known and understood by Us long ago, that We now clearly know that your clergy share this understanding, that at a time when the forces of our enemies are joined together to destroy the Church, greater harmony is required for the sake of religion and for the common salvation. Therefore, it was a beautiful and salutary plan, for the Vicars, united with the Bishop, to encourage and instruct the priests in piety and doctrine; for these, together with the Vicars, to cultivate the people; and for both to strive towards these ends by that method and way which We have shown in Our letters on many occasions, in which We have earnestly commended to them monthly meetings of the clergy, and their gatherings concerning sacred disciplines and morals, and the care for Christian instruction, and frequent access of the faithful to the most holy Eucharist, and the fostering of Catholic associations. With faith aroused and, along with

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faith, charity, your community will be such as Cyprian describes: "a flock adhering to its pastor, and a people united with its priest." From this union, a stronger force will be derived, which will give defenders and champions of the Catholic cause the strength to face and even to frighten the daily attacks of the enemy. May the most benign God grant a rich reward for the eager willingness you have shown and for the joy you have given Us, and may He grant that your endeavors may continue with ever greater zeal.

[*Latin ed. p. 723*]

Following the Acts of Pope Pius X, number 723, and may the Apostolic Blessing, which is a sign of His grace, be bestowed upon you, Venerable Brother, along with the Vicars who are with you, and upon the entire Arretine clergy and people. Given in Rome, at Saint Peter's, on the twenty-seventh day of the month of June, in the year 1910, the seventh year of Our Pontificate. PIUS PP. X. III. TO THE REVEREND FATHER JOHN BAPTIST CAZET, BISHOP IN THE TITLE OF SOZUSEN, APOSTOLIC VICAR OF THE ISLAND OF MADAGASCAR CENTRAL, GREETINGS AND THE APOSTOLIC BENEDICTION ON THE OCCASION OF THE TWENTY-FIFTH ANNIVERSARY OF HIS EPISCOPATE. Venerable Brother, greetings and the Apostolic Blessing. — We have not wished to neglect Our duties of congratulation as you are about to celebrate the anniversary of the beginning of your episcopate, twenty-five years ago. For it is fitting that a good soldier of Christ, who has earned many merits, should be honored with a special expression of benevolence by the Supreme Leader, if anything has happened to him that he has foreseen and welcomed with joy. Therefore, sharing in your joy and giving thanks to God, who has kept you safe until now, we add our prayers in which we ask Him to grant you long life, and that He may not allow the strength of your spirit to weaken with the passage of time, so that you may continue for a longer time to serve the growth of the Catholic Faith, the honor of the Church, and Our own comfort. May you have, along with these wishes, the Heavenly sign of grace, the Apostolic Blessing, which We impart to you, Venerable Brother, in the Lord. * Given in Rome, at Saint Peter's, on the first day of the month of August, in the year 1910, the seventh year of Our Pontificate. PIUS PP. X. IV. TO THE MOST EMINENT PETER, CARDINAL OF THE HOLY ROMAN CHURCH, ARCHBISHOP OF LUGDUNENSEM, GREETINGS ON THE ANNIVERSARY OF THE DAY HE RECEIVED THE SACRED MITRE OF THE HOLY SEE. Beloved Son, greetings and the Apostolic Blessing. — We were eager to respond in writing to your most affectionate letter, in which you commemorated the anniversary of the day We received the sacred mitre of the Holy See. For the duties of your piety and the memories

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awakened by that time, in which nothing like this...

[*Latin ed. p. 724*]

Acta Apostolicae Sedis. - Official Commentary. It happened that, as We awaited, We ascended to the seat of Peter, and this greatly moved Us. Indeed, eight years have now passed since the fount was restored, which the persistent malice of the wicked has long sought to cover with thorns. But it is better, on this auspicious day, to turn away for a while from the present concerns of the elders, and rather to turn our thoughts to those things which alleviate long-standing sorrows. And you yourself, beloved Son, sufficiently demonstrate from whence we can draw hope, whether when you recall the constancy of many, who, the more fiercely the hostile power rages, the more closely they adhere to Us; or when you continue to direct the wills of men, through the efficacy of your ministry, to love and obedience to the Apostolic See. Therefore, gladly, having seized the most favorable opportunity to address Us, We avail ourselves of it, so that We may again testify to the benevolence with which We have always embraced you, and We may return the favor for the esteem you have shown Us, praying to God that He may grant you the use of this light, and that firmness of spirit, which may serve both the benefit of the Church and prevent us from being held back by the desire for your arrival in the City.

Furthermore, as a testament to the grace of Heaven and Our singular affection, We impart to you, your clergy, and your faithful people, over whom you preside, Our Apostolic Blessing, in the Lord. Given in Rome, at Saint Peter's, on the eighth day of the month of August, in the year 1910, in the eighth year of Our Pontificate.

PIUS PP. X.

TO THE REVEREND FATHER JOHN LOTTINI, O.P.

GREETINGS FOR THE THREE VOLUMES WRITTEN BY HIM ON SACRED THEOLOGY.

Beloved Son, pious man, greetings and Apostolic Blessing.

How greatly it concerns the Christian commonwealth that the students of the sacred clergy be properly and suitably instructed in theological disciplines, not only common causes declare, but also the dangers of the present time, due to a certain false science, which deceives the unlearned. Therefore, you must know that We are greatly pleased that We have received from you the three volumes recently published, in which, as We have learned from the testimony of experts, nothing is found that deviates from sound and traditional doctrine. Indeed, no institution can be safer

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in this field than one that follows and emulates the guide and master, Thomas, from whom so much light and strength have been drawn by those who have written on divine matters. Therefore, your diligent will and the industry of your intellect, which We have already observed and commended, are fittingly demonstrated.

[*Latin ed. p. 725*]

The Acts of Pope Pius X, dated [date not provided], which we wish to honor with a testimony of greater praise, and we hope to see a substantial benefit accrue to the sacred disciplines from your long labor. While this document of ours is intended to serve as both a reward and an encouragement, we impart to you, our beloved son, our Apostolic Blessing, as a pledge of heavenly grace and of our paternal benevolence. Given in Rome, at Saint Peter's, on the ninth day of the month of August, in the year 1910, in the eighth year of Our Pontificate.

PIUS P. X.

TO THE MOST REVEREND ALPHONSO MARIAE ANDREOLI, BISHOP OF FERETRANO, FOR THE SOLEMN CELEBRATION OF THE RESTORATION OF THE PRINCIPAL CHURCH OF HIS CHURCH.

Most Reverend Brother, greetings and our Apostolic Blessing.

We have learned with great pleasure, from your recent letters, that the solemn celebration of the restoration of the principal church of your diocese is to take place, and that the day set for this celebration is the third of the Kalends of September, in honor of the Name of Mary. Under the auspices of the Divine Mother, the august house of God, which you have so beautifully restored, will once again open to the frequent visits of the citizens, and we, with our spirit present, will pray for all of you through the ministry of our beloved son, Cardinal Caietani De Lai, who will perform the sacred rites with greater splendor. And it is fitting that the expressions of joy should be shared with us, by our most beloved children, whose thoughts have been directed to us in the planning of these festivities. Therefore, as you will give thanks to God, so too will we, earnestly imploring that the piety of all may increase the dignity of the restored temple.

While we honor your, Most Reverend Brother, diligence in this work, pursued through so many labors, with due praise, we also rejoice that you will complete the sixtieth year of your age on the very day that will be most auspicious for you, because of the restoration of the temple. May the remaining course of your life, which we foresee will be long, be filled with the abundance of divine gifts, and may our Apostolic Blessing, which we impart to you, Most Reverend Brother, to the clergy, to the chapter of canons, and to the entire faithful people of Feretrano, with abundant charity, be the means of bringing this about.

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Given in Rome, at Saint Peter's, on the tenth day of the month of August, in the year 1910, in the eighth year of Our Pontificate.

PIUS P. X.

[*Latin ed. p. 726*]

Acta Apostolicae Sedis. - Official Commentary. 726 VII. TO THE MOST REVEREND FATHER RAYMOND VILLARD, BISHOP OF AUGUSTODUNUM, ON THE OCCASION OF THE TENTH CENTURY SINCE THE FOUNDATION OF THE CLUNIAC ABBEY. Venerable Brother, greetings and the apostolic blessing.

It has pleased Us to learn that the solemnities are being celebrated this year marking the tenth century since the foundation of the Cluniac Abbey of the Benedictine Family. It is fitting, and not without fruit, that the memory of this ancient Order be renewed, especially in those regions to which it has brought so much benefit and glory. Furthermore, this commemoration, with the attendance of citizens and visitors, will serve as a noble demonstration of piety and devotion, and will be a testament to those who, with unworthy efforts, seek to sow envy among those whom the Christian people have always held dear, as if they were their own parents, and not merely friends. Therefore, let us give thanks to God that the Benedictine monks may be renewed in spirit by this new testament of devotion, that they may be strengthened to undertake even greater endeavors, that they may continue with unwavering spirit to combat errors, and that they may, as before, merit well in matters of religion and of all humanity, and that they may commend the fame of their name to posterity. These are the sentiments we hold in our hearts; these are the promises we make, with certain confidence, with God's help.

In the meantime, that some expression of Our will may add to your joy, We gladly grant, firstly, that those who participate in the three days of prayer may receive a plenary indulgence for their sins, which may be applied, as a form of suffrage, even to pious souls detained in purgatory; secondly, that the sacred ministers may, on those same days, bless the people in the name of Our Holy Father, after celebrating Mass according to the pontifical rite; and finally, that during the same time, the divine office be recited for the saints Odilo and Maiolo, abbots of Cluny.

That all things may proceed properly and successfully, We impart to you, Venerable Brother, and to the religious members of the Benedictine Family and to the faithful people entrusted to your care, Our Apostolic Blessing, as a pledge of divine favor and a testament to Our singular benevolence.

Given at Rome, near St. Peter, on the twenty-second day of the month of August, in the eighth year of Our Pontificate.

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PIUS PP. X.

[*Latin ed. p. 727*]

To the Most Reverend Father Eugene James Grellier, Bishop of VALLIS VIDONIS, concerning the Decree on the Age for Admission to the First Holy Communion. Venerable Brother, greetings and the apostolic blessing.

Although your faith did not allow us to doubt that you would, in accordance with the recently issued decree by Us concerning the age for admission to the First Holy Communion, be exempt from its application; nevertheless, the excellent sentiments with which you and your clergy have expressed your views on this matter have greatly comforted Our mind. For it was possible to understand from your letter that the seed has fallen on good ground, that is, in that diocese which, prompted by a certain piety, anticipates and embraces the most salutary things, as if it were the very wishes of the Supreme Shepherd of the Church. Therefore, great hope is placed in Us that those under your care will reap the fruits of this innovation, such as those which We have proposed in the aforementioned document: that the flower of innocence may receive nourishment before it is withered by the pestilence of this age, which feeds among the lilia; that, from the dawn of childhood, God may restrain His hand from those who implore Him with purity; that, while the sons of perdition cry out: "We will not have this man to reign over us," He may establish His own dominion more fittingly in the hearts of those for whom the Kingdom of Heaven is.

Therefore, your diligence in carrying out what We have decreed for the salvation of the Christian people is not only worthy of praise for obedience, but also gives hope for things to be led to better outcomes. May He who said, "Suffer the little children to come unto me" be with your endeavors, and may He call you to share in the great reward promised to those who undertake the care of such.

In the meantime, as a testimony of Our charity and goodwill, We impart to you, Venerable Brother, to all who have signed this letter from your clergy, and to the entire faithful people entrusted to your care, the Apostolic Blessing, with all Our heart, in the Lord.

Given at Rome, near St. Peter's, on the 5th day of the month of September, in the eighth year of Our Pontificate.

PIUS PP. X.

September.

[*Latin ed. p. 728*]

Acts of the Apostolic See. - Official Commentary. 728. HOLY CONGREGATION OF THE HOLY OFFICE. DECREE: On Thursday, the 7th of September, 1910. In the General Assembly of the Most Eminent and

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Reverend Cardinals, Inquisitors General of this Holy Congregation, the following commentaries and works were condemned and proscribed, and it was ordered that they be placed on the Index of Prohibited Books: A - *Rivista Storico-critica delle Scienze Teologiche*. - A monthly publication. Rome. B - The books of the collection "Manuals of Religious Sciences" which have been published up to now, namely: 1. - Alfonso Manaresi - *The Roman Empire and Christianity in the first three centuries* - Volume I. From Nero to Commodus. Rome, 1910. 2. - Ernesto Buonaiuti - *Essays on Philology and History of the New Testament*. Rome, 1910. 3. - Francesco Mari - *The Fourth Gospel*. Rome, 1910. And so forth. On Friday, the 8th of the same month and year, the Most Holy Lord Pope Pius X, in an audience granted to the Reverend Fathers, Assessors of the Holy Office, after a full report on the matter, approved and confirmed the decree of the Most Eminent Fathers. Given in Rome, in the Offices of the Holy Office, on the 10th of September, 1910. Aloysius Castellano, Secretary of State and of the Holy See.

[*Latin ed. p. 729*]

Sacred Congregational Consistory. 729 SACRED CONGREGATIONAL CONSISTORY. APPOINTMENTS OF BISHOPS. The Most Holy Father, Pope Pius X, by decree of the Sacred Congregational Consistory, has chosen: September 10, 1910. Thus far – The Reverend Father Angelus Hyacinthus Scapardini, Bishop of Nusco, to be the titular Archbishop of the episcopal church of Antioch in Pisidia. – The Reverend Father Namitius Patricius Foley, rector of the cathedral church of Saint Augustine in America, to be the Bishop of the newly erected diocese of Tuguegarao in the Philippine Islands. Furthermore, the same Most Holy Lord commanded that Letters Apostolic, sealed with the papal seal, be issued regarding this matter, for the proper execution of justice. I. DECREE. CONCERNING ALMS TO BE COLLECTED IN FAVOR OF THE PIUS WORK, NOW CALLED THE HOLY LAND WORK. The Sacred Congregation, responsible for the affairs of Religious Orders, in order to put an end to the numerous doubts that have already arisen, or that may arise in the future, declared, as it judged necessary, by Decree concerning Questions, dated November 21, 1908, that the Pius Work of the Holy Land, sent to the Order of Brothers, was not included, nor was it intended to be included, within the scope of the Orders and Institutes of Religious, and their norms; whereas that Work far surpasses the particular needs of the same Order of Minorites, and has been approved and fully approved by the Apostolic See, enriched with privileges, and strongly commended. Therefore, the same Sacred Congregation, not only for the aforementioned

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Work,

[*Latin ed. p. 730*]

Acts of the Apostolic See. - Official Commentary. 730, foreseeing detriment, rather ordering the expenditure of aid, it decrees and commands that the collections in favor of the Holy Land, which have hitherto been customarily made on Fridays, or on other days throughout the year, by the Religious Fathers, either by themselves or through other men of approved faith, be made everywhere also in the future, in accordance with the rules and customs laudably observed in this matter, notwithstanding the aforementioned Decree of November 21, 1908, and all that is contrary to it. Concerning all of which, the aforementioned Cardinal Prefect reported to His Holiness, Pope Pius X, on October 1, 1909; and His Holiness deigned to ratify and confirm the same. Fr. I. C. CARD. VIVES, Prefect. L. © . S. Vincentius La Puma. II. DECREE. CONCERNING CERTAIN STUDIES TO BE UNDERTAKEN IN THE NOVICE YEAR. In order to explore the mind and gradually imbue it with religious perfection, the Novitiate has been instituted, which, therefore, for at least one year, is entirely devoted to spiritual exercises under a Master. However, experience has shown that, through constant acts of piety, even if varied, the minds of young people, in particular, are often fatigued, and their will is less inclined to continuous acts of religion throughout the day; and since it has been demonstrated in the Novitiate itself that a moderate amount of study can be of no small benefit to the Novices, and that they can show what studies are suited to their nature, aptitude, and diligence; the Holy Congregation, entrusted with the affairs of Religious Orders, in a Plenary Assembly of the Fathers, held on August 26, 1910, in Vatican, decreed the following, to be strictly observed by all Religious Orders and Congregations: 1. The Novices shall dedicate one hour each day, privately, to studies, except on feast days. 2. The studies are supervised by the Master of Novices or his Vice-Master, who should possess sufficient knowledge, or, more appropriately, by one of the professors of the humanities who resides in the house or nearby. These [supervisors] shall, not more than three times a week, for one hour, in addition to the hour that the Novices are to dedicate daily to private study, gather the Novices together in a group.

[*Latin ed. p. 731*]

The Holy Congregation of Religious. 731. In schools, instruct, or at least inquire into, the progress of the novices in their studies. 3. Although this cannot be considered a school in the strict sense of the term, it should not be regarded merely as an exercise in mortification. Therefore, let the novices devote themselves to it with all diligence, and let them derive true benefit from it; and let the masters, with suitable methods, guide them, observing the progress of each novice according to his talent. The nature of

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the studies should correspond to the character and purpose of any Order or Congregation. The study of the vernacular language is recommended, and for novices destined for the sacred ministry, also the study of Latin and Greek, either through the repetition of what the novices have already learned, especially grammar, or through the reading of the holy Fathers and ancient authors of the Church, of whom it is known that they were also skilled in literature, such as St. Ambrose, St. Augustine, St. Jerome, Lactantius, St. John Chrysostom, Eusebius, and others; also the Gospel of St. Luke and the Acts of the Apostles, written in Greek. Written exercises, such as extemporaneous compositions and Marian examples, can also be of great benefit, either in the vernacular or in Latin. All of these, and others, should be presented in a way that the novices can read them from a text or recite them from memory, in order to acquire a true pronunciation and a certain skill in public speaking. It will also be appropriate for the novices, when conversing with each other, to sometimes use Latin, in place of the vernacular, so that they may also occasionally have brief conversations or catechetical instructions with their companions in that language. 4. The one who is in charge of the school shall note, in writing, the diligence and progress of each novice, and shall also send a written report to the Superior General or Provincial, in addition to other documents, before the novices, having completed their novitiate, are admitted to the profession of vows. All of these things were graciously confirmed by our most holy Lord, Pope Pius X, at the suggestion of the undersigned Secretary, on August 27, 1910. Contrary decrees, even those of special significance, are hereby set aside. Given at Rome, from the Secretariat of the same Holy Congregation, on August 27, 1910. Fr. J. C. CARD. VIVES, Prefect. L. © Fr. Francis Cherubini, Secretary.

[*Latin ed. p. 732*]

Acts of the Apostolic See. - Official Commentary. 732 III. DECREE. CONCERNING THE PRIESTS ACCOMPANYING THE PRESIDENT OF THE CHAPTER IN THE ELECTION OF THE ABBOTTESS. To the Most Reverend Fathers of the Sacred Congregation, entrusted with the affairs of Religious Orders, assembled in Plenary Session at the Vatican on August 26, 1910, having maturely considered the frequently raised question of whether and how many priests an Ordinary or Regular Prelate, presiding over a Chapter of Nuns, ought to associate with himself in the election of an Abbess or Prioress of a Monastery, they responded: "In the elections of an Abbess or Prioress, whether the Monastery is subject to a Bishop or a Regular Prelate, the individual votes of the Nuns shall be collected in a sealed urn and opened by the Prelate presiding, together with two priest scrutineers; and if, for a grave reason, the votes are given orally, this shall be done in the presence of the Prelate, but with the priest scrutineers present. The priests of whom we speak must be of proven virtue. However,

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the confessors of the Nuns themselves shall not be admitted as scrutineers, nor shall those who are of an age or are associated with the Bishop or Prelate." All of which the Most Holy Pope Pius X, on August 27 of the same year, having been presented to him by the Under-Secretary, deigned to approve and confirm. Contrary decrees notwithstanding. Given at Rome, from the Secretariat of the Sacred Congregation for Religious Orders, on August 27, 1910. Fr. J. C. CARD. VIVES, Prefect. L. S. Franciscus Cherubini, Under-Secretary.

[*Latin ed. p. 733*]

733 Apostolic Signatura. APOSTOLIC SIGNATURA OF VERCELLI. (Vercelli). REGULATION. In a plenary session held in Tournon on the twelfth day of May, 1909, presided over by Reverend Father Michael Lega, Dean, a matter was considered under seal, namely: "Whether there existed grounds for declaring the nullity of a sentence or judicial process, so that there would be 'a basis for the removal of the parish priest Fantone from the parish of the place of Asigliano, or for the deprivation of him of the same parochial benefice'; and the Reverend Fathers judged that: 'There exists grounds for the validity of the sentence, and for the removal of the parish priest Fantone, with the reservation of an annual pension of one thousand livres, according to the form of the same archiepiscopal sentence of January 21, 1908'*. Against this kind of plenary sentence, the aforementioned parish priest Fantone brought an appeal to this Supreme Apostolic Tribunal, within the terms established by the applicable law. The arguments of this appeal were extensively examined in an ordinary session of the Supreme Tribunal, held in the halls of the Vatican, on the sixteenth day of July of the current year, 1910, with the Reverend Father Francis of Paula Cassetta as relator; and regarding the question proposed, namely: "Is the plenary sentence null, and is there a basis for its circumscription?" The Most Eminent Judges responded: Negatively. However, the Supreme Tribunal condemned the parish priest of the parish of the town of Asigliano to pay the judicial expenses incurred. And thus it was issued, pronounced, decreed, declared, and definitively judged; and it was ordered that this definitive sentence be made public and that it be ordered to be executed by all to whom it pertains, not only etc., but also etc. Given in Rome, from the halls of the Supreme Tribunal, on the twenty-sixth day of July, 1910. L. Eg. S. Nicholas Marini, Secretary of the Sacred Apostolic Tribunal. Thus it is. Joseph Adv. Fornari, S. T. A. 1. See: Acta Apostolicae Sedis, year I, volume 1, number 10, page 470-71.

[*Latin ed. p. 734*]

Acta Apostolicae Sedis. - Official Commentary. 734. LETTER FROM THE SECRETARY OF STATE TO THE REVEREND FATHER DOM FRANCIS E. RICARD, ARCHBISHOP OF AUXERRE, WHO COMMU-

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NICATED TO THE MOST BLESSED FATHER HIS INTENTION TO FOUND, WITHIN HIS OWN DIOCESE, A SOCIETY FOR VOCATIONS TO THE ECCLESIASTICATE.

I hastened to bring to the knowledge of the Holy Father the project of an Association of prayer and zeal in favor of ecclesiastical vocations, which you intend to establish within your diocese, and I have received the pleasant mission of transmitting to you the paternal encouragements of His Holiness.

The search for and selection of those individuals suitable to be raised to the honor of the Priesthood, their formation, and the development of their aptitudes in the Seminaries through a fruitful moral and intellectual discipline, are a work of such paramount importance that they cannot fail to be the object of special solicitude on the part of the Holy Father. Therefore, it is a great consolation to His Supreme Pastoral Heart to see already a certain number of Bishops of France, through pastoral letters or through generous works, engaging the clergy and the faithful in this formation of those aspiring to the Priesthood.

Regarding the Indulgences and spiritual favors requested, Your Eminence will kindly address the request directly to the Sacred Congregation of the Holy Office.

The Holy Father paternally grants to you, to the clergy, to the students of the Seminaries, and to the faithful of your diocese, the Apostolic Blessing.

July 4, 1910.

R. L. Eg S. CARD. a MERRY DEL VAL, Secretary of State.

[*Latin ed. p. 735*]

Year II. - Volume II. October 10, 1910. No. 19. OFFICIAL COMMENTARY OF THE ACTS OF POPE PIUS X. LETTERS. I. TO THE RECTOR, CANONS, PARISH PRIESTS, AND OTHER PRIESTS OF THE CATHEDRAL CHURCH OF PLACENTIA, PRESENTED TO THE MOST BLESSED FATHER ON THE OCCASION OF THE DIOCESAN SYNOD, FOR THE SAKE OF VENERATION. Beloved Sons, greetings and the apostolic blessing. — You have shown a most pleasing devotion, at the conclusion of this diocesan Synod, in your eagerness to honor Us and to promote the cause of religion. What could be more pleasing to Us, or more beneficial to the Catholic cause, than to see all priests, both individually and collectively, united with their Bishop as "one heart and one soul," and through that union, to adhere more firmly to the Supreme Pastor of the Church? Therefore, We have received with great benevolence the letters you have jointly sent, in which We recognized not only a pledge of your piety and faith, but also a sufficiently certain indication of the Synod's successful outcome. May God grant you abundantly both these gifts, and may constancy in thought and action, and, which is the foundation of all

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virtues, mutual charity, add effectiveness to your plans and proposals. May the most benign God bestow these gifts upon you generously, under the auspices of the Apostolic Blessing, which, as a testament of Our paternal affection, We impart to you all, together with your venerable Pastor. Given at Rome, near St. Peter, on the ninth day of the month of September, in the year 1910, in the eighth year of Our Pontificate. PIUS PP. X. ACTS, vol. II, no. 19. - October 10, 1910.

[*Latin ed. p. 736*]

Acts of the Apostolic See. - Official Commentary. 736 II. To the Most Reverend Father Thomas Pius Boggani, O.P., Bishop of Atri, as a token of esteem on the occasion of the spiritual exercises of the clergy of his diocese, presented to the Most Blessed Father. Venerable Brother, greetings and the apostolic blessing. — The benefits derived from pious exercises consist greatly in the increase of charity. For it cannot be that, when a man speaks to God in his heart in solitude, to Him who is the inexhaustible source of all virtue, the sacred words do not confirm that sentiment: "My heart grew hot within me." Ps 38:4. This fire is sufficiently evident in the letters which, under your leadership, Venerable Brother, your clergy, gathered together with you, sent to Us, filled with obedience and love. We congratulate you greatly on this excellent and prompt willingness, and we receive with a grateful heart the accompanying offering, a testimony of the piety of your children, praying that God may confirm you in your holy endeavors and join you more closely to Us through Our grace and paternal affection. As a pledge of heavenly love, We impart the Apostolic Blessing to you, Venerable Brother, to the priests who have subscribed with you, and to the entire faithful people entrusted to your care. Given at Rome, at St. Peter's, on the tenth day of the month of September, in the eighth year of Our Pontificate. PIUS PP. X. III. To the Most Reverend Father John Vincent Tasso, Bishop of Augsburg, as a token of devotion presented to his Holiness. Venerable Brother, greetings and the apostolic blessing. — The ardent zeal for piety, which you and your clergy recently experienced in a pious retreat, in which you devoted yourselves to meditation and to God alone, is abundantly testified to by the letters which you generously sent to Us with your clergy on the twenty-fifth day of the past month of August. From these, we learned with joy that nothing is more sacred to you than to fear the authority of the Holy See, and to not deviate even a little from its guidance. Furthermore, that excellent agreement with Us on the most recent errors, which We have repeatedly condemned, and on the sincere acceptance of the documents which We deemed appropriate to present at this opportune time, whether concerning the proper transmission of the rudiments of the Christian Faith, or the frequent reception of the Most Holy Eucharist, or the admission of children to the Holy Table for the first time,

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or sacred and popular singing. All of these...

[*Latin ed. p. 737*]

The Acts of Pope Pius X, 737, demonstrate how diligently these matters are cultivated, and how much greater assistance they provide for both private and public well-being. In all these things, which we find you have undertaken with such zeal and excellence, we congratulate you deservedly, and we remember with a grateful heart the addition to the pious foundation, earnestly praying to God that He may bind you together day by day with the bonds of mutual charity, without which faith itself and love for Us and this Apostolic See must necessarily wither. Meanwhile, as a pledge of heavenly grace and of Our paternal affection, We impart to you, Venerable Brother, together with the priests gathered with you who have signed this letter, and to the faithful entrusted to your care, Our Apostolic Blessing.

Given at Rome, at Saint Peter's, on the tenth day of the month of September, in the year 1910, in the eighth year of Our Pontificate.

PIUS PP. X.

TO THE MOST REVEREND FATHERS, JOHN FIDELE BATTAGLIA, ARCHBISHOP TITULAR OF CYZICUM, DEAN OF THE BISHOPS OF SWITZERLAND, AND THE OTHER BISHOPS OF SWITZERLAND, CONCERNING THE MEETING AT LUCANE.

Reverend Fathers, greetings and Our Apostolic Blessing.

You have chosen a most fitting place for the meeting at Lucane, remembering both the institution of the hierarchy in the Ticino region fifty years ago, and the completion of the three hundredth anniversary of the elevation to the honors of the saints of Charles Borromeo, the Archbishop of Milan. Those who seize this opportune moment are, in every way, in accordance with Our wishes, for We desire nothing more than that the pastors of the Holy Church should emulate the spirit of that great bishop, strive to imitate his zeal, and follow his virtues. It also pleased Us greatly that Catholic laymen, who are devoted to the advancement of religion in public gatherings and are deeply concerned about the proper upbringing of youth, should be present to assist in your work. Strengthened by these supports and encouraged by the patronage of Charles, devote yourselves to the work, and strive to be "Neither as lording it over the clergy but being made a pattern of the flock from the heart," as We have recently demonstrated in Our encyclical letters.

Furthermore, that all things may proceed in harmony, We impart to you, Venerable Fathers, and to the clergy and faithful entrusted to your care, Our Apostolic Blessing, as a pledge of heavenly grace and of Our paternal benevolence.

Given at Rome, at Saint Peter's, on the eleventh day of the month of

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September, in the year 1910, in the eighth year of Our Pontificate.

PIUS PP. X.

[*Latin ed. p. 738*]

Acts of the Apostolic See. - Official Commentary. 738 V. TO THE MOST EMINENT MAN, ARISTIDES, PRIEST, CARDINAL CAVALLARI, PATRIARCH OF VENICE, CONCERNING SPIRITUAL EXERCISES. Beloved Son, health and apostolic blessing. — We have been greatly pleased to learn, through official letters, of the ardor added to your prudence and piety, by which you have devoted yourself with diligent study to pious meditations and priestly duties. It was, above all, pleasing to see that you have taken to heart Our exhortation to the Clergy, and that you are determined to translate into the rule of your life, and into the salvation of the Christian people, those things which we have taught so generously in those letters. Therefore, let prayers be offered to the most merciful God, that you may steadfastly maintain what you have undertaken, and that you may contribute virtue and effort worthy of the dignity and magnitude of this Church. That these things may happily come to pass, We impart to you, beloved Son, along with the priests who have signed this letter, and to the rest of the clergy and the faithful people entrusted to your care, Our Apostolic Blessing, as a testament of heavenly grace and Our singular benevolence. Given in Rome, at St. Peter's, on the eleventh day of the month of September, in the year 1910, in the eighth year of Our Pontificate. PIUS PP. X. VI. TO THE ILLUSTRIOUS MAN, GASPAR DECURTINS, DOCTOR DECURIAL IN THE CATHOLIC UNIVERSITY OF FRIBURGENSI, FOR THE WORK "ON LITERARY MODERNISM," WE OFFER HEARTFELT CONGRATULATIONS. Beloved Son, health and apostolic blessing. — We have read your work on literary modernism, written with the firmest arguments and great subtlety of discourse, not without pleasure, but with great interest. In it, as before, you demonstrate yourself to be a faithful son and a staunch defender of the Church, worthy therefore of the special esteem and benevolence with which We, as did Our illustrious Predecessor, regard you. Indeed, We have observed that modernism, hiding itself under many forms, has infiltrated literature, not only in novels, which the Romans call, or other forms of narrative, but also in discourses that are concerned with the art of criticism. This new means of spreading error, under the guise of treating literature and judging it, is becoming more widespread every day, and is therefore all the more dangerous because it is so cleverly disguised.

[*Latin ed. p. 739*]

The publication of the acts of Pope Pius X, number 739, which aimed to expedite certain matters, caused us considerable sorrow. For the method employed therein reveals that the adversaries of the Catholic faith and

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discipline leave nothing untouched, so that their deplorable plans may be brought to fruition. Indeed, this is the reason why, after the publication of Our Encyclical Letters "Pascendi," which directly condemned philosophical and theological modernism, paths were opened for those erroneous ideas to spread far and wide. For they perceived, as you rightly point out, a great power residing in the arts and literature, and especially in Roman and other forms of fiction. Hence, that remarkable flood of books, translated into many languages, whose purpose is to extol the virtues of the enemies of the Church to the highest degree; to belittle our studies and writings, as if they were far inferior; to constantly celebrate a certain false religion and a distorted form of the true, beautiful, and good, which they call "Idealism," rejecting any norm of discipline and any legitimate authority, and implicitly promoting that method of philosophizing from which, like a source, all errors are derived, which denies the possibility of knowing absolute truth, and which claims that all religion is nothing other than a certain nascent form, and that it is changeable and, therefore, not useful to man, filling his mind with things that transcend nature. All of this is easily understood to be false and reprehensible. For first, anyone who reads the history of the Catholic Church will readily see that it has been the mother and nurse of all humanity, never excluding any aspect of culture, and that the Roman Pontiffs have been tireless in defending and vindicating it. As for the most recent judgments on religion, with which the modernists attempt to persuade, we reject and condemn the most pernicious error, which paves the way for contempt and neglect of all things pertaining to religion, which they call "indifferentism," barely concealed by cleverly chosen words. These machinations and these simulations of ingenuity, intended to cultivate and exercise the art of invention and criticism, which admirably serve to spread errors or to make them more easily disseminated, these pompous pronouncements intended to deceive the unwary reader, should be considered as the most dangerous weapons for the protection of falsehood and the attack on truth. Therefore, all who boast of the name of Catholic must bravely denounce and repel these snares. In this matter, no one can offer better support than educators of youth and authors of works to be published. The field is wide open for them, in which they can exercise their subtle judgment.

[*Latin ed. p. 740*]

Acts of the Apostolic See. - Official Commentary. 740. To implant in the minds of young people something elegant, refined, and thoroughly Catholic, following the example of those writers who, from that number, have earned immortal fame; or to undertake the cause of letters that depart from the Catholic spirit, opposing the latest cohort of writers with malicious intent; or, if God has granted this ability to anyone, to add oneself to the number of writers who genuinely feel about religion. This example

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of novelty, which you yourself, dear son, have provided, is a noble encouragement to others. We are most grateful for the excellent work you have devoted to Christ and the Church, and we wish to honor your outstanding intellect and exquisite doctrine, employed in the service of truth against the cunning of error, with public praise. May the heavenly pledge of reward, and the same incentive to continue the Lord's endeavors, be the Apostolic Blessing, which we impart to you, dear son, with a paternal heart and abundant affection. Given in Rome, at Saint Peter's, on the fifteenth day of the month of September, in the year 1910, in the eighth year of Our Pontificate. PIUS PP. X.

DECLARATIONS REGARDING THE PROPRIUM MOTU "SACRORUM ANTISTITUM."

The following doubts regarding the Proprium Motu "Sacrorum Antistitum," presented to this Sacred Congregation on the first day of this month, are answered:

I. Is the precept that no one should be granted a doctorate in theology unless he has first obtained a doctorate in philosophy, or has at least completed a course in scholastic philosophy and provided certain proof thereof, to be strictly observed?

II. Is the prescription that the Vigilance Council should also meet every other month to be strictly understood?

III. However, may those who constitute the Vigilance Council, if they are far from the episcopal city and are legitimately prevented from attending, transmit their report in writing, with a statement of the reason for the impediment?

IV. Does the prohibition made to students in seminaries and ecclesiastical colleges regarding the reading of any newspapers and commentaries, however excellent, extend also to young religious studying in monasteries and in congregations?

V. Are the doctors in seminaries required each year to present a text, which...

[*Latin ed. p. 741*]

I. Does each one who intends to teach, or to treat certain questions, or to present theses, have to present them to the Bishops, and swear an oath at the beginning of the year?

II. Must the same superiors or lecturers, each year, before giving any anticipated lectures, present themselves to their superiors in religious orders?

III. Are confessors and sacred lecturers already approved, and parish priests, beneficed clergy, and canons in possession of their benefice, as well as all officials in episcopal curias and in the Roman congregations or

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tribunals, and the superiors of religious families and congregations who are presently in office, obliged to take the oath?

IV. In particular cases, given a just cause, can Bishops and superiors of religious orders and congregations delegate to some priest, whether secular or regular, established in some dignity or office, to administer the oath?

V. Are those who have violated, or have not reported, the prohibition against taking the oath, also obliged to take the oath, even if they have refused to sign the formula for the oath?

VI. Can Bishops and superiors of regular orders grant letters of recommendation without any note to their subjects who have been prohibited from preaching somewhere?

VII. Can sacred lecturers be invited who have been disapproved by the Bishops in some place?

His Most Holy Lordship, in an audience on the 24th of this month, granted to the Most Reverend Cardinal Secretary of the Sacred Consistorial Congregation, ordered that the following be answered: To questions I, II, III, IV, V, VI, VII, VIII, and IX, affirmatively; to questions X and XI, negatively. Furthermore, he ordered that all those called to take the oath be obliged to do so within the 31st of December of this year. Regarding question VII, His Most Holy [Pius X] graciously conceded that, in places distant from the residence of the Bishop, parish priests, confessors, and lecturers may sign the formula for the oath to the same, or together with vicars forane, or even each individually in their own name, as well as beneficed clergy in collegiate churches, and religious in convents, together with their Superiors.

Given at Rome, from the offices of the Sacred Consistorial Congregation, on the 25th of September, 1910.

C. L. CARD. DE LAI, Secretary.

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[*Latin ed. p. 742*]

Acta Apostolicae Sedis. - Official Commentary 742 II. APPOINTMENTS OF BISHOPS. The Most Holy Pope Pius X, by decree of the Sacred Congregation Consistorialis, elected: September 23, 1910. — Reverend Father Angelus Hyacinthus Scapardini, with the title changed to that already assigned to him, as titular archbishop of the church of Damascus. Furthermore, the same Most Holy Pope ordered that Letters Apostolic be dispatched under seal for the proper execution of this matter. S. LUCEM. DECREE OF BEATIFICATION AND CANONIZATION OF THE VENERABLE SERVANT OF GOD, JOSEPH OF CARABANTES, PRIEST, OF THE ORDER OF MINOR FRATERS OF THE HOLY FRANCIS OF ASSISI (CAPUCHINS) AND MISSIONARY. Amidst the many and varied trials and calamities, both internal and external, which press upon us

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from all sides, the spirit is uplifted and refreshed by recalling illustrious men, renowned for their sanctity and virtue, who have benefited both civil and Christian society. Joseph of Carabantes, a priest, a member of the seraphic Order of Capuchins, deserves to be included among these. He is said to have traversed both Spain and South America with a reputation for a life of integrity, through constant preaching of the Word of God and sacred missions, a distinguished missionary, bearing abundant fruit of conversion and sanctification. He was born in the town of Carabantes, in Old Castile, from parents of clear piety and lineage, Bartholomew Valasquez and Anastasia de Frensueda, on June 27, in the year 1628. His father was taken by death, and his mother, a widow, was soon sustained by certain signs and heavenly hope and consolation, and she accepted the first institution for the child, who, in accordance with her care and solicitude, proved to be pious, obedient, and inclined towards heavenly things. With these happy beginnings, knowing that the boy needed more substantial nourishment for his doctrine, she sent him to the town of Deza, to be a guest of his aunt, where, under a suitable teacher, he was instructed in the rudiments of letters. As Joseph grew older, at the command of his mother, he went to the city of Soria, where, while studying the humanities, he also made progress in those things which impart divine wisdom.

[*Latin ed. p. 743*]

The Holy Congregation of Rites decrees. 743. He chose solitary places, like the hermits, so that, separated from the company of men, he might devote himself more freely in mind and heart to the service of God. However, upon the unexpected death of his brother John, he was recalled to his homeland; and considering it the will of God, he enrolled in the clerical militia, receiving the tonsure and the minor orders. Afterwards, he went to Saragossa to pursue his studies; but a few days later, struck by a certain sorrow of mind, as if a forewarning of impending grief, he returned to his homeland. There, he found his mother afflicted by a deadly illness and near death, and he performed all the duties of justice and piety to his ailing and deceased mother, as a most loving son. He then decided to return to Sorria, where he happily completed his studies in the humanities. In the meantime, he had been reflecting for a long time on the state of a more perfect life, and, with the help of constant prayer, he discussed this matter extensively with proven and learned men, and especially with God. Although he was inclined to choose the humble order of Capuchins, and this order, on the other hand, seemed too strict for his delicate health, nevertheless, as if moved by divine inspiration, the Servant of God humbly offered prayers to the superiors of this Order, asking to be received into the religious life. After his vows were fulfilled, he was accepted as a novice on October 10, 1645. In the meantime, various illnesses, including phthisis and a tumor in his thigh, threatened the novice, causing him great distress. However,

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after being implored in prayer, God, most merciful from the beginning, was propitious to this excellent young man, and preserved him safe and sound from all evils. After barely completing his novitiate, Joseph solemnly pronounced his vows on October 11, 1646, in the Franciscan monastery in Saragossa, already instructed in philosophical and theological sciences. In accordance with the custom of the Order, which seeks to discourage empty ambition in its students and to foster Christian humility, he was assigned to a humble office, namely, the duty of guarding the door, which served as a stepping stone for his advancement and as preparation for the dignity of the priesthood, which he received on September 21, 1652, from the Bishop of Albarracín. Shortly afterwards, at the urging of the Apostolic Legate to the Iberian Peninsula and with the consent of the provincial minister of the Franciscan order, Joseph, along with his companions, left Saragossa and traveled to Madrid, where he received a blessing and a mission from the Legate himself to the southern American regions, for the defense and propagation of the Catholic faith, with the appropriate Apostolic delegation. The new missionaries, while waiting for a favorable opportunity to sail in the Archdiocese of Toulouse, experienced the first fruits of their ministry; then, embarking on a sea voyage, they reached the port of Cumae after a long journey. There, immediately, under the leadership of Joseph, they offered their services to the mission, and they announced the Gospel of peace not only to the city of Cumae, but also to the neighboring towns and villages, sowing, indeed, in tears and in labor, but also reaping in joy and exultation.

[*Latin ed. p. 744*]

Acta Apostolicae Sedis. - Official Commentary. 744 numerous bands of men. Furthermore, the consuls of the province, rejoicing in the fruit of the mission, decreed that the Lord of the harvest should be asked to send more laborers into His harvest; and at the same time, they praised the missionaries in letters to King Philip IV, whom they implored to ensure that more men were added to the ranks of the first missionaries. Nor did hope fail. For, with new supplies sent from Iberia, and with the number of apostolic men increased, the sacred expeditions were resumed with greater zeal and wider scope. Caracas was visited first, then new Valencia, new Segovia, new Barcelona, and many other cities and towns, as if a vast field that had previously been uncultivated, and after the preaching of the Gospel, was well cultivated and, with God's help, fruitful. Joseph, in a special way, considered the conversion of the Caribbean region, which was quite arduous, as his province. For these people, who were most savage, accustomed to taking food and drink from human flesh and blood, scarcely saw the Servant of God; immediately they seized him and, according to their custom, intended to prepare him for later feasts. But, through an incredible and utterly divine event, it happened that these barbarians, as if

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bowing before a free man and a messenger of the divine power, received and worshipped him. From then on, the work was easier, the access easier! He himself, learning their language, taught the Christian catechism, devout prayers, and pious praises to the neophytes, and regenerated them through baptism. Among these, a certain chieftain, Ocapra by name, who was afflicted by a most cruel disease, was converted to the Christian faith through the zeal and ministry of the Servant of God. The mission was proceeding successfully, with the support of Prince Mazpato and even the King himself, when suddenly a storm arose against Joseph and his companions. Through the envy and suggestion of perfidious and malicious demons, the missionaries were accused of being traitors to the holy religion. The Servant of God was compelled to go to Madrid, where, before the Papal Legate, he proved the fidelity and constancy of the missionaries, and refuted the wickedness and calumnies of the slanderers, even obtaining forgiveness from the Legate for the slanderers themselves. Returning as a herald of victory and peace, he was received with great joy by his companions, and all eagerly devoted themselves to the sacred ministry, and they were also delivered from many imminent dangers, both at sea and on the mainland, with the help of God and the intercession of the Virgin Mary. The people of the Caribbean, following Joseph, embraced not only the Catholic religion, but also the dominion of the Catholic King; peace and concord were established and proclaimed between the Caribbean and the Spanish nations. Indeed, the princes of that people and its neighboring peoples, recently converted to the faith, elected Joseph as their legate, so that he might testify to their fidelity and religion both before the Catholic King and before the Supreme Pontiff.

[*Latin ed. p. 745*]

The Holy Congregation of Rites issued decree number 745. Hence, having set sail, and leaving the American shores, the servant of God returned to Europe; he successively visited Cadiz, Seville, and Valencia, and, having put into Livorno in Italy, he proceeded on foot to Rome. Graciously received by Pope Alexander VII, with the Cardinals standing by, he delivered a discourse concerning the new peoples incorporated into the flock of Christ. Soon afterwards, he presented to the feet of the Most Blessed Father the sacrament of their service and faith, namely Dominic, from the nation of Azagua, Gaspar, from the nation of Iapias, Macarius, from the nation of Cores, Stephen, from the nation of Chayma, and Christopher, from the nation of Caraiba, all bearing the seal and mandate of their respective princes. Having been encouraged by the Pope's benevolence and praise, and having received the Apostolic blessing, he immediately left Rome, setting sail for Spain. The intention of the servant of God was to fly back across the ocean to his neophytes and converts, but another plan was devised by divine wisdom. This was demonstrated by the petition

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of the Bishop of Malaca, who wished to assist the spiritual needs of his diocese, and by the consent and order of the provincial minister regarding the Capuchins. This is sufficient to indicate that Joseph himself, writing to the Marquis of Anton, about the fruitful missions of Malaca, highly commended such expeditions, urging that they be promoted throughout Spain. Therefore, it is not surprising that similar missions were entrusted to the same servant of God and his companions, which they diligently fulfilled for many years, with abundant fruit, until their old age, throughout the Iberian Peninsula, especially in the province of Galicia, from which he earned the title of Apostle of Galicia. Moreover, being fervent in his love for God and the divine mysteries, he showed a particular piety towards the Most Holy Sacrament of the Eucharist, as well as towards the Blessed Virgin Mary, Immaculate, and he strongly encouraged frequent attendance at church, and the recitation of the Rosary, both at Mass and daily. He poured forth his charity especially upon the poor, the sick, and those imprisoned, elevating both their bodies and souls, and he also took care to assist, through prayers and good works, both those living and those deceased who were being tormented in the purifying fire. Thus, Joseph, adorned with these and other gifts and virtues, already ripe for heaven, recognized and experienced the signs and warnings of approaching death, being afflicted by labors, old age, and illnesses, especially a fever and gout. Hence, with his mind and heart intent on God, his illnesses worsened during the week before Easter, and after having devoutly received the sacred Eucharist and Extreme Unction, having completed the sacred confession, on the bright day of Easter, with Christ gloriously rising again, he migrated from this earthly exile to the heavenly homeland. He died in the city of Montiforte, on the eleventh of April in the year 1694. To those who wish to see the relics of the servant of God.

[*Latin ed. p. 746*]

Acts of the Apostolic See. - Official Commentary. 746. Devout citizens from all ranks flocked together, eager to obtain something from the garments in memory and veneration. The same relics were subsequently brought to and displayed in the Carmelite church of the sisters, and were honored with solemn funeral rites, followed by other funeral services within the month, and two prayers were held in praise of the deceased, even publicly proclaimed. A question arose concerning the place of burial, which, through a heavenly rainbow sign, was resolved by unanimous consent, and the body of the Servant of God was duly interred in the Franciscan church of Santa Clara. The fame of sanctity which Joseph had acquired in life and after death continued to grow from day to day, and has increased even more until this time. Therefore, in the ecclesiastical court of Lugo, an Ordinary Informative Process concerning this same fame was compiled and transmitted to the Sacred Congregation of Rites in Rome.

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When, after a review of the writings of the aforementioned Servant of God, nothing stood in the way of proceeding further, at the urgent request of the Reverend Monsignor Mauro Bernardo Nardi, Bishop titular of Thebes and General Postulator of the Order of the Minor Capuchin Friars, and after considering the petitions of certain Eminences, Cardinals of the Holy Roman Church, and other men of civil or ecclesiastical distinction, the Eminence and Reverend Lord Cardinal Dominic Ferrata, Promoter of this Cause, proposed the following question to be discussed at the meetings of the Ordinary Congregation of the Sacred Rites, on the designated day, with the following assembled in the Vatican: "Should a Commission for the Introduction of the Cause be appointed in this case, and for the purpose of what is being discussed?" And the Eminent and Reverend Fathers entrusted with the safeguarding of the sacred rites, after the report of the aforementioned Eminence, having also heard the voice and the written opinion of the Reverend Father Alexander Verde, Promoter of the Holy Faith, after careful discussion and deliberation, decided to write: "A Commission should be appointed, and it should be requested of the Most Holy [Father]." On August 16, 1910. Subsequently, a report was made to the Most Holy Lord Pope Pius X by the Cardinal Prefect of the Sacred Congregation, and His Holiness, approving the decree of the aforementioned Sacred Congregation, deigned to sign the Commission for the Introduction of the Cause of the Venerable Servant of God, Joseph of Carabantes, professed priest of the Order of the Minor Friars of Saint Francis of Assisi, Capuchin, and Missionary, on the 24th of the same month and year. FR. S. CARD. MARTINELLI, Prefect. † Peter La Fontame, Bishop of Charystenes, Secretary.

[*Latin ed. p. 747*]

The Roman Rota. 747 SACRED ROMAN ROTA, i.e., COLONIA-MÜNSTER. SUSPENSION FROM THE SACRAMENTS AND FROM JURISDICTION. Under the blessed reign of Pope Pius X, in the seventh year of his pontificate, the Most Reverend Fathers Francis Heiner, Ponens, John Prior, and Aloysius Sincero, Auditors from Tournon, in the case of Colonia-Münster, between the official of the archdiocese of Cologne and the priest Joseph Schmelcher, with the intervention of the Court of Münster in the matter, after deliberation, rendered a definitive judgment on May 23, 1910. Joseph Schmelcher, a retired parish priest of the Archdiocese of Cologne, having been duly notified by letters dated November 25, 1905, that the Most Reverend Archbishop of Cologne had ordered the introduction of a disciplinary case against him, did not comply with three proper summonses. Therefore, the priest Schmelcher was declared contumacious by an interlocutory judgment, and the proceedings were brought to a conclusion, and by a final judgment, the aforementioned priest was condemned. Against this judgment, the priest Schmelcher filed

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a petition for annulment with the Bishop of Münster, as a judge of second instance delegated by the Holy Apostolic See. The Bishop of Münster rejected the petition for annulment; but, judging the merits of the case at the same time, he modified the penalty established by the Court of Cologne and tempered its severity. However, the Official of the Court of Cologne, to use his own words, believing that a higher ecclesiastical judge, if the condemned party appeals only on the grounds of the invalidity of the process, especially if he is unable to appeal due to contumacy, can do nothing other than examine the process conducted by the lower judge, and if it has been justly judged, confirm the previous judgment; but if not, remit the case to the lower judge to correct the defects, especially in these cases, requested the Reverend Bishop of Münster to reform his judgment and, rejecting the petition for annulment filed by the priest Schmelcher, to confirm the previous judgment.

[*Latin ed. p. 748*]

Acts of the Apostolic See. - Official Commentary. 74-8 The Bishop of Muenster, however, responded that the jurisdiction delegated to him by the Holy See had expired due to the concluded judgment, and therefore he could not "reform" the already issued sentence. And this was done rightly and justly, not merely because of the reason presented, for the delegated jurisdiction was not limited to the boundaries of that cause, nor was it intended for the examination of nullity claims therein; but primarily because neither the judge of the first instance, after delivering his judgment, can, as a judge, again intervene in the process or in the judgment of the second instance, nor can the judge of the second instance, regularly, reform his own judgment already delivered. Therefore, the Official of Cologne proposed the following questions to the Supreme Pontiff for resolution, concerning the entire matter: 1.° Whether, after rejecting a claim of nullity against the judgment of the lower judge, it is permissible for him to change the judgment of the first instance, in the case where the condemned party, due to his contumacy, is deprived of the legitimate benefit of appeal? And the answer is negative. 2.° Whether, after a claim of nullity has been rejected by the higher judge, the judgment of the lower judge immediately acquires its full force? And the answer is affirmative. 3.° Whether it was permissible for the Official of Cologne, in the case in question, to order the execution of his sentence against the priest Schmelcher on December 5, 1906, without the authority of the Reverend Superior Judge? But the Supreme Pontiff referred the entire controversy concerning the suspension from divine offices and the jurisdiction between the Archbishop of Cologne and the priest Schmelcher, and the Bishop of Muenster, to this sacred Order, stating: "that the cause be submitted to the Tribunal of the Sacred Roman Rota for a definitive judgment, with all necessary and appropriate powers, including the examination of witnesses, the investigation of docu-

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ments, and the power to delegate diocesan courts, and to carry out all that is necessary to define the controversy." And this was done with very wise counsel; for the Sacred Roman Rota, according to its own law, is competent to judge both concerning the *forma* and the *meritum*, and furthermore, as is well known and established in the Rota, as taught by Coccino in his masterful decision 474, part 2, volume 1, Recentior, a.n. 8: "never follows the judgments of other Tribunals unless it has examined the justice of those judgments." Indeed, decision 40, book 1; Chissan, decision 179, and it is well known and established in the Rota." The cause having been entrusted to the Sacred Roman Rota, the date assigned for the hearing was...

[*Latin ed. p. 749*]

The Roman Rota. In Case No. 749 concerning doubts of the sacred, Schmelcher was not present, neither in person nor through a procurator, for he had already renounced the case upon receiving the mandate; nor was he present in any other way; but he presented excuses for his absence in letters dated January 25th and 28th, and he proposed doubts, or at least declared himself prepared to do so. However, he also presented arguments concerning the merits of the case in order to propose these doubts. These were: 1.° Whether the judgment of the second instance from Monasteriensis, dated May 1st, 1908, is in conformity with the canons, and to what extent negatively; 2.° Whether the penalty imposed by this instance can be upheld in this case. Therefore, only the Promotor of Justice was present before the Most Reverend Prelate, and the doubts proposed by the Office of Cologne were combined into one, and, at the request of the Promotor of Justice, the following doubt was ordered to be debated: Whether it can be established that the reformation of the judgment of Cologne, introduced by the judgment of the Reverend Court of Monasteriensis, dated May 1st, 1908, is illegitimate, so that the judgment of Cologne can be demanded for execution in this case. Since this doubt, as is evident, completely precluded the judge from judging the case on its merits and from determining whether the judgment of the second instance had unduly lessened the penalty established by the judge of the first instance, the Reverend Auditors of Tournon, on the day of the presentation of the case, responded that the doubt should be reformulated in this sense: Whether, either with regard to its legitimacy or with regard to the measure of the penalty, the judgment of the Court of Monasteriensis can be upheld in this case. Meanwhile, they stated that the case should be postponed, and that this should be notified, so that those whose interests were involved could, as the matter itself dictates, present their observations and arguments to this judge. However, the Promotor of Justice refused, and insisted that a response should be given to the doubt as it was proposed, without alteration. He said, as I believe, that if an affirmative answer were given, the judgment of Cologne would be

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confirmed; if a negative answer, the judgment of Monasteriensis would continue. Therefore, a response had to be given to the doubt, as it was proposed. With regard to the doubt, the following facts are to be noted: The facts of the case. — The priest Joseph Schmelcher, pastor of the place commonly called Thenhoven, was appointed on March 26th, 1903, and resigned from his parish with the permission or at the suggestion of the Archbishop of Cologne. After having made his resignation, he appealed to the Holy See, affirming that he had been unjustly compelled to resign from his parish. The Sacred Congregation of Bishops and Regular Canons gave a response on July 19th, 1905: "The appeal is to be admitted, and in accordance with the intention that the Archbishop should provide for the support of the priest Schmelcher in another way, and that, if he deems it expedient in the Lord, he should honor him with the title of pastor emeritus in the ecclesiastical register."

[*Latin ed. p. 750*]

Acta Apostolicae Sedis. - Official Commentary. 750 And this shall be notified to the same Archbishop by letter, which letter shall have been completed by the Archbishop. But when the Reverend Schmelcher, "having consulted with his lawyer in romano on February 4, 1905, regarding an appeal to the Sacred Congregation of Bishops and Regular Canons, received a decision from the same Sacred Congregation, not in its authentic form, but which he believed to be favorable to him," as the Archbishop of Colonien wrote to the Sacred Congregation of Bishops and Regular Canons, he boasted, both in writing and verbally, about the news sent to him in romano, and even dared to claim that he had reported a glorious victory for the Archbishop and his Vicar General, and that the Archbishop had been ordered by the Sacred Congregation to grant him either a benefice, or a canonry, or a parish. Such things were to be greatly deplored, because not only was the authority of the Archbishop damaged, but in the parish of Thenhoven, which had barely been restored to peace after the resignation of the parish priest Schmelcher, the most bitter discord was again stirred up, so that the Archbishop felt compelled to summon the parish priest Schmelcher to court regarding this matter. Furthermore, by letter dated November 25, 1905, the Reverend Schmelcher was informed that the Most Reverend Archbishop of Colonien had ordered the introduction of a disciplinary case against him. Moreover, the aforementioned Reverend Schmelcher was summoned to appear before the Examining Judge, Doctor Vogt, and this summons was accepted by Schmelcher on February 14. However, the priest Schmelcher, in a suppliant letter which he sent to the Supreme Pontiff on February 27, 1907, states that after he had received certain news about this judicial inquiry, he had not awaited his summons, but immediately, on January 22 and February 23, 1906, he had written letters to the Most Reverend, in which

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he denied the competence of the official and the validity of the process, based on two reasons, one of which - which, in this matter, should be carefully considered, since it would induce a serious suspicion in anyone - was that "it was a matter of statements which were alleged to be directed against the persons of the Ordinary and of certain Superiors," and that these "persons were performing the functions of either a fiscal procurator, or a judge (e.g., a Vicar General)." "Although," he continues, "I repeatedly presented these reasons, the official never gave a judgment on them, so that I was diligently prevented from appealing." "It is clear," he concludes, "that I rightly affirmed the competence of the summons to appear before the Examining Judge, and that it was declared neglected." For if he had complied with the denial of competence, he would have done so as a frivolous matter.

[*Latin ed. p. 751*]

The Roman Rota. Then, on May 7, 1906, the aforementioned priest, Schmelcher, was accused by the fiscal prosecutor of: a) having inflicted injuries upon the Bishop and the Episcopal Curia, and of gravely violating the reverence and obedience which he had promised during his priestly ordination; b) having also inflicted injuries upon the parish priest Stoffels in Thenhoven; c) having also incited others to refuse the obedience due to ecclesiastical superiors; d) having disturbed the peace in the parish of Thenhoven. This accusatory document was presented to the priest Schmelcher, along with a summons to appear before the Investigating Judge. The aforementioned priest not appearing, a second summons, and indeed a peremptory one, was served upon him on July 13, 1906. The priest Schmelcher writes again before the aforementioned court, that the summonses, ordering him to appear before the Investigating Judge, were neglected on this occasion as well, because: 1.° the competence of the Officialate was to be denied, especially with regard to the first accusation; 2.° all formal legal procedures were carefully omitted by the Investigating Judge, by the Officialate, and by the fiscal prosecutor, although I always, when the opportunity arose, informed them of this. (See: Records: Letters dated May 7, 11, 14, 22, 26; June 15, 25; July 2, 3, 19, 1906, etc.). Meanwhile, on June 22, 1906, by an interlocutory judgment, the exception raised by the accused against the competence of the Officialate was rejected. However, as the aforementioned judgment of first instance demonstrates, the accused did not appeal from this interlocutory judgment. Whether, in this or in any other interlocutory judgment, the judges themselves, or through some arbitral judgment, ruled on the matter of incompetence, based on the fact that the case concerned the aforementioned injuries also inflicted upon the Vicar General, and that one of the judges was the Vicar General, is not evident from the documents presented in the case. For this reason of incompetence concerned the recusal of a suspected

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judge. Indeed, as the aforementioned definitive judgment demonstrates, signed by all, the Cologne Officialate constituted a college and proceeded collegially in this case, and therefore could not have considered this reason [of incompetence]. Furthermore, there is no apparent trace of any judgment by arbitrators. Moreover, we have seen that Father Schmelcher complained that the Cologne Officialate never rendered a judgment on these matters, or on this reason [of incompetence]. After this interlocutory judgment, the Cologne Officialate, as Father Schmelcher affirms in the aforementioned letters to the Supreme Pontiff, ACTA, vol. II, n. 19. - 10 - 10 - 9 1 0 . 50

[*Latin ed. p. 752*]

Acta Apostolicae Sedis. - Official Commentary. For three continuous months, nothing was done so that finally the end of the proceedings might arrive, and some judgment from the Officialate might emerge; on October 12, 1906, two interlocutory decrees were issued, as the Reverend Father Schmelcher himself states, which he sent to the Officialate: 1.° concerning the fact that the fiscal prosecutor was suspected; and 2.° concerning the fact that one of the judges, namely the Reverend Lord Vicar, was deemed unfit, because he was « persuaded that, now that the actions of his Superiors were being judged according to the sacred canons, a judgment would certainly be rendered by the Officialate ». Indeed, in the session of the Officialate on October 29, 1906, the accused was declared contumacious. But at the same time, a legitimate defender was appointed to him, the professor of the Archdiocesan Seminary, Berrenrath, who presented a more substantial defense in writing to the records. Furthermore, by an interlocutory decree of the same day, October 29, the declinatory exception, made by the same Reverend Father Schmelcher against the person of the canon of the collegiate chapter, Düsterwald, who was acting as fiscal prosecutor, and against the person of the Vicar General, Doctor Kreutzwald, counselor of the Officialate, was rejected, because the fiscal prosecutor cannot refuse, and the other exception was deemed frivolous, as the interlocutory decree states. The Reverend Father Schmelcher then appealed against the interlocutory decree by which he was declared contumacious, as he affirms in his defense, and also against the decree by which his exception was rejected, and he requested the Apostles, as can be inferred from the decree of the second instance. Indeed, he himself affirms that he appealed against the entire judicial investigation, and that he had already made a certain recourse to the Supreme Pontiff, on January 27, 1906, or, during the pendency of the lawsuit, in the first instance. The appeal made by the accused against the decree by which his exception was rejected was rejected by the Officialate of Cologne on October 31, 1906, because the Reverend Father Schmelcher could not appeal as a contumacious person, nor is it permissible to appeal from a decree that does not have the force of a final judgment. In

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the meantime, the proceedings were brought to an end, and in the final decree given on December 5, 1906, when the judges considered the matter in detail: « a) from the judicially collected records, it is certainly established that the accused is guilty of injuries inflicted upon the Archbishop and the Archdiocesan Curia, as well as of repeated violations of due reverence, especially in his letters of November 19, 1905, addressed to the Archbishop, and furthermore, in the letters which he wrote in the beginning of August to Johann Koellen of the year elapsed (1905) to In Thenhoven, about which, according to the testimony of two trustworthy witnesses, who examined and read them, there is sufficient... »

[*Latin ed. p. 753*]

The Roman Rota has determined, and this is confirmed by other documents, that the accused displayed contempt for the recipient; b) the accused is guilty of disobedience, because he neglected or refused to answer the questions posed to him by the Vicar General, nor did he comply with the summons of the Official on May 7th, nor with the peremptory summons issued to him on July 13th of this year (1906) to appear before the Instructor; c) the accused is also guilty of causing injury to the priest Stoffels, who was appointed parish priest of Thenhoven by the Archbishop on January 6th, having sent him letters, and furthermore, having vehemently suspected him of being the author of injurious letters written by his sister Agnes in a circular form against the parish priest Stoffels; d) the accused also attempted to disturb the peace and tranquility, which began to return after the accused's departure from the aforementioned parish, through letters given to John Koellen in August of 1905, which were circulated in the parish of Thenhoven, and, as is well known, seriously disturbed it; e) the accused also appears to be suspected of having incited the aforementioned John Koellen to stubbornly resist appearing before the summons of the Archbishop's Official, and to refuse to testify in the disciplinary case; f) However, in favor of the accused, it can be argued that he received, through his Roman lawyer, a resolution from the Most Holy Congregation of the Holy Office and Regular Canons, dated February 4th, 1905, regarding an appeal, not in an authentic form, but as he believed, favorable to him; however, the accused was required to acknowledge this resolution through letters sent by the Vicar General on September 1st, 1905, and was warned to dispel any doubt by responding to said letters, but he neglected to do so." After considering all of these matters, the accused was found guilty according to canon 2, concerning obedience, I, 33; canon 11, 12, 13, G XI, question 3; canon 5, dist. 46; G. V, question 1, and was suspended from the Order for a period of one month, and was also ordered to perform penance for his offenses within that time in a monastery approved by the Archbishop. Against this definitive sentence, the accused filed a complaint of nullity on December 17th, 1906, before the Bishop of Monasterien, as the

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Superior Judge of the second instance, by order of the Holy See.

[*Latin ed. p. 754*]

75i Acta Apostolicae Sedis. - Commentarium Officiale. [The text proceeds with legal terminology, before mentioning the fatal appellation, as it is permissible to conclude (for the sentence was received on December 11th, rejecting the nullity claim, considering that no substantial defect in the procedure of the first instance could be proven). However, the entire case was also examined in terms of its merits, and it was determined that: "1.° the letters sent by the accused on January 26, 1906, to the Archbishop, although lacking in human kindness, do not, however, sufficiently prove that the priest Schmelcher, the parish priest of Stoffels, acted with such clear intent to cause injury; nor does the priest Schmelcher, in letters sent on January 6, 1906, to the parish priest Stoffels himself; 2.° from the testimonies of witnesses, it cannot be proven that the accused, in letters sent in August 1905 to John Koellen, seriously disturbed the peace and tranquility in the parish of Thenhoven; 3.° finally, from the records, it appears that there is a well-founded suspicion that the priest Schmelcher incited John Koellen to resist, with stubbornness, appearing before the Official and giving testimony in the disciplinary case; Considering that: 4.° it is judicially established that the accused is guilty of having repeatedly inflicted injuries upon his Archbishop and the Archiepiscopal Curia, especially through letters, of which the one dated November 19, 1905, sent to the Archbishop, and other letters sent in August 1905 to John Koellen in Thenhoven, are particularly egregious; 5.° it has been truly proven that the accused has, in several previous ecclesiastical proceedings, shown disobedience, especially in his attitude towards the letters of the Vicar General dated September 1, 1905, and the subsequent warnings, and also towards the repeatedly issued summons to appear before the Examining Judge." Having considered all of these matters, the sentence of condemnation from the first instance is amended in such a way that the accused is condemned: according to canon 5, dist. 46; c. U, 14, G XI, quaest. 3; C. 2, X, 33; c. 1, 3, G. V, quaest. 1: "1.° that he request the Archbishop to forgive him for the disobedience and irreverence shown towards him and the Archiepiscopal Curia, and that he promise anew obedience and reverence to him as his Ordinary; 2.° that he devote himself to spiritual exercises for a period of five days.

[*Latin ed. p. 755*]

The Roman Rota decreed: "1. That within the space of seventy-five days from the celebration of the Mass, [the individual] shall abstain; and 2. That [he] shall present to the superiors of the Church a testimony worthy of faith concerning the exercises performed; 3. If, however, [he] shall not fulfill those things established in numbers 1 and 2 within thirty days after receiving notice of this judgment, he shall, by that very fact, be suspended

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from the Order, until he has fulfilled what was assigned to him."

Against this judgment, the Official of Cologne previously made an appeal to the Bishop of Muenster, so that he himself might reform his judgment, and, after rejecting the plea of nullity presented by the Reverend Schmelcher, he deigned to confirm the previous judgment; then, on July 11, 1908, he decreed that certain doubts should be presented to the Supreme Pontiff; and indeed, the Archbishop of Cologne made an appeal to the Supreme Pontiff on July 13, concerning which appeal, as we have said above, the cause was remitted to this Holy Order.

Regarding the law: The legitimacy of the reformation of the judgment of the Cologne Tribunal, introduced by the judgment of the Muenster Tribunal, is challenged on two grounds: first, because the Reverend Schmelcher presented the plea of nullity only in the second instance; and, especially, because the Reverend Schmelcher, being contumacious, could not appeal.

A) Regarding the plea of nullity, it is well known in law that an objection of nullity can be presented either as an action (in which case, if it is presented primarily and by itself, it is commonly taught that it is subject to a prescription of thirty years, according to I. 3, G. de Praescript., 30 or 40 years) or as an exception (in which case, according to the rule of law, it is perpetual, since what is temporal with regard to acting is perpetual with regard to excepting); also, it can be presented primarily, and without any other remedy, or cumulatively with an appeal, namely by saying that the judgment is null, or at least unjust, under a disjunctive condition. Pichler, *Ius Can.*, Book II, Title XXVIII, Section 4. The judgment may declare nullity; also, the judge himself may declare it *ex officio*, and he may also insist on the nullity. It is not necessarily required to be presented before a Superior, at least absolutely, but before the judge, with the same rigor of law, as Bouix says, *De Iudiciis*, II, p. 407, it can be presented to the judge who rendered the judgment, provided that he is the ordinary judge. Reiff., *Ius Can.*, Book II, Title XXVIII, n. 28; Pichler, *ib.*; Engel, *Decret.*, Book II, Title XXVIII, n. 3, etc. Also, it can be presented before a Superior judge, as is evident. Indeed, according to many, "today, due to the contrary general custom, a cause of nullity of a judgment must be judged by the sole judge of appeal" (Bouix, *De Iudiciis*, II, p. 410). In the first case, it is not presented, at least in practice, according to Bouix, cited, p. 411, unless there is a plea of nullity; in the second...

[*Latin ed. p. 756*]

Acta Apostolicae Sedis. - Official Commentary. In a case where a plaintiff has grounds for complaint, all other things being equal, he has the right to propose, in addition to the appeal, a subsidiary remedy, namely, the declaration of nullity, provided that the complaint of nullity is rejected. Indeed, all other things being equal, both remedies are considered conditional and

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disjunctive, and this is so - a) because "in that which is more, there is always less" (I., In eo, quod plus 110, ff., de Reg. Iuris; and I., In toto 113, ff., ibid.), or because "more always contains within itself what is less" (Reg., XXXV, in Sext.), at least in quality (Reg., XXXV, n. 2), since the nullity of a judgment appears to be, as Reiff. states, Ius Can., Vol. VI, on judicial matters, a matter concerning the judgment itself, rather than its correction or annulment; and - b) especially because, as Lega aptly teaches, Be Iudiciis, I, p. 566, n. 690: "it is more useful to not separate one intention from another, so that either the declaration of nullity or the correction or annulment of a valid judgment may be sought successively," and no one should renounce their own benefit. In the specific case, the Reverend Schmelcher attempted to demonstrate, in the second instance, before the Judge of Muenster, the injustice of the judgment of the first instance; therefore, to the extent that it was within his power, he must at least have implicitly proposed the remedy of appeal. Furthermore, even setting aside the intention of the plaintiff, if the judge of appeal or a superior court has jurisdiction over the matter of nullity, then, as Vantius teaches, De Nullitatibus Process., Title III, n. 12, p. 29: "a plea of nullity raised before a superior judge brings the entire case, and the principal matter, before him, just as an appeal from a final judgment does; therefore, such a judge can pronounce not only on the nullity, but also on the principal matter, as Bartolus also stated, in d. I. (Absentem c. de accusat., I. 1, etc.), if expressly; colum. penult. and d. I. if as you propose and I. 1, c. quan. prov.; Salic., in dict. leg. if praeses, c. quam. et quan. and doctor in d. I. 4 de accus.; Abb., in cap. cum Ioannes, in fine de fid. instrum.; with others of whom, through Alexand., cons. 179, lib. 2; Bald., in leg. 2, qu. 14, c. de rescind. vend.; Franc., in d. c. dilecto, quaest. 10 and quaest. 32 where he speaks in notes; and Lap., alleg. 2 cum simul. Abb., in d. c. in litteris in fine." Therefore, the right and jurisdiction to judge the merits of the judgment of the first instance cannot be denied to the Judge of Muenster by the Court of Cologne, unless - a) the Judge of Muenster was not a superior judge, or the judgment of the first instance was unappealable, and this is so - b) either by its own nature or by the nature of the matter, as Pichler states, Ius Can., Lib. II, Title XXVIII, § 1, n. 8, and the matter concerning which the judgment concerned, or - c) by the appellant, to the extent that the plaintiff was not able to appeal.

[*Latin ed. p. 757*]

The Roman Rota. In 757, for some reason pertaining to the subject itself, or because of contumacy in the case. Indeed, this is not the first time; for the Judge of Muenster was delegated as a Judge of second instance by the Holy Apostolic See, and as the Archbishop of Cologne declares in his letter to the Holy Father of July 13, 1908, he was constituted as such. He is not the Superior Judge for the Archdiocese, as is stated in the Coloniensis. If this is the third instance, the entire question is reduced to contumacy, which is

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the matter now under consideration.

B) Regarding contumacy, it is generally understood as any disobedience, whether committed in or outside of a judgment; specifically, and in our case, it is disobedience in failing to appear before the Judge, and it is defined as "disobedience towards a legitimately summoned judge, committed in matters pertaining to the judgment." See c. causam S, c. cum dilecti 6, on deceit and contumacy; I. contumacia 53, ff., on the matter being judged; Hostiens., in summa in rubr., on contumacy, n. 1; Pirhing, Ius Can., Lib. II, Tit. XIV, Sect. II, n. 20; Schmalzgr., Ius Can., Pars U, Tit. XIV, § 2, n. 38. "To this definition, as Tit. XVII, n. 588, best explains, in the matter of contumacy, one must especially consider the disobedience towards the judge and the contempt of his authority, from which contumacy is called a personal offense. Even in Roman law, contumacy was considered and proscribed under this aspect as a crime of public law: cfr. I. I. 11, ff., § <£, on interrogations, and 53, ff., § 1, on the matter being judged. Nevertheless, another quality must be considered in contumacy, namely the presumption of the renunciation of the right of defense by the party, whether plaintiff or defendant, who neglects to pursue the case, or fails to comply with the summons," meaning the renunciation of the right of defense at least in that instance (ib., num. 600): in that number, contumacy is considered from the point of view of a completely private right (ib., 590). "Canonical law, as the same author continues, must and should recognize both effects of contumacy so that remedies for contumacious parties may better correspond both to the order of the canonical judicial process in initiating and pursuing a lawsuit, and to those, especially to the authority and reverence of ecclesiastical judges, particularly Bishops, and to the nature of ecclesiastical affairs. Indeed, remedies have been compared in every way, some being punitive, while others are not punitive, which allow the non-contumacious party to pursue the lawsuit, while the other party is absent and contumacious" (Ibid., num. 590). Among the penalties by which contumacy is restrained, Marant., de ord. iudic, p. 6, tit. de contum., n. 9, enumerates twenty-four, one of which is the deprivation of the right or benefit of appeal. This penalty is to be applied, with careful consideration of the words,

[*Latin ed. p. 758*]

From the Apostolic See. - Official Commentary. 758 states Cardinal Tuschi, *Practica concl. Iuris concl.*, 1925: "A contumacious party cannot, as a matter of right, appeal; Clement., if before concerning deceit and contumacy; Gemin, cons., 102, etc." Also, Lega, cited, n. 599: "According to canon law, it is established that contumacious parties, whether plaintiff or defendant, cannot ordinarily appeal from a sentence pronounced against them." Indeed, the very fact that it is established in canon law that a contumacious party cannot, as a matter of right and ordinarily, appeal, clearly implies that he can, at times, and in certain cases, appeal.

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Furthermore, it is the duty of the judge to investigate whether the general law can be understood to encompass and apply to this or that particular case, or not. "For individual facts are clothed with diverse circumstances, which cause the judge to doubt whether that case falls under a certain law" (Lega, cited, n. 85). Therefore, a profound investigation is necessary. For, on the one hand, an appeal is a certain kind of defense, or it possesses the nature of a defense (Sabell., *Summ. appell.*, 399). "An appeal, XXXII, 5; therefore, as Ojetti teaches, in *Synopsis Schmalzgr., Ius Can., Pars IV, Tit. XXVIII, § 1, n. 6*, this most salutary remedy of law is, indeed, not of law but of nature; since it is a kind of defense, and a safeguard of innocence, and Abbot, in *Rubr.*, Title, concerning deceit and contumacy, n. 6, with others, teaches that an appeal, in substance, is of natural law; although, with regard to solemnity and the manner in which it is to be instituted and promoted, it is of positive law." n. 7: "An appeal, taken and considered in substance, is of natural law, since an appeal is a kind of just defense, and a remedy against unjust grievance" (cited Pichler, *Ius Can.*, Lib. II, Tit. XXVIII, § 1, materially distinct from a formally considered appeal). More clearly, Reiff., Lib. II, Tit. XXVIII, § 10, n. 281. "As the Abbot says, in *Rubr.*, h. Title, n. 7; and Scaccia, *quaest. 16, de appellat.*, n. 22, citing others, in an appeal there are two things: namely, the substance of the appeal, which consists in rendering justice against injustice, or the error of a judge, and the formality, or the manner in which an appeal can be freely made, even without alleging the cause for it." Therefore, the principal [party] by the clause removing the appeal (the same may be said of other similar clauses and ways of removing the appeal) removes only the formality or manner of the appeal, so that, indeed, the cause of grievance is not admitted before the substance itself, which is not expressly prohibited, but does not prevent justice from being rendered against proven injustice or error of the judge." Although the formality of an appeal pertains to positive law, it is, in the main, derived from positive law for the sake of the common good. It is deduced from B. 49,1,1: "The use of appeals is so frequent and necessary..."

[*Latin ed. p. 759*]

The Roman Rota. "No one is more blameworthy who does not know this: for when he corrects the injustice or incompetence of the judges, he sometimes reforms sentences that were well-founded for the worse." And as Renazzi teaches, *Elementa Iuris Criminalis*, Book III, Chapter XVII: "Hence, an appeal is taken as a kind of civil defense, to which no one can refuse in criminal cases, for it is instituted for the common good." Therefore, since the right of appeal, in its substance or materially, is of natural law, and in its modality or formally, is instituted primarily for the common good, the denial of the right of appeal is subject to a strict interpretation, and this most of all. For if "in penalties, a more lenient interpretation is

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to be made" (Reg. XLIX, in Sext.), and if "penalties are to be mitigated by the interpretation of laws, rather than aggravated" (L, Interpretatione, 42, ff., de Poenis), then this applies most of all when the penalty deprives or restricts the right of defense. Therefore, it is entirely just that this penalty should not be applied to any particular case, except in the following cases: 1st, when a specific or special malice of contumacy is proven; 2nd, and when the contumacy is perfect in its genus, that is, when all the elements, as they say, of contumacy are verified in the case. Indeed, the specific or special malice of contumacy, especially insofar as it is a crime against public law, according to Roman law and according to strict canon law, consists in the contempt of the judge as such, and in the case at hand, in the contempt of the ecclesiastical judge. This is indicated in the very Roman Law, D. 42, 1, 53: "He is contumacious who neglects to appear." This is deduced from the above by the learned Lega, *De Iudiciis*, I, Title XVII: who clearly states, number 591, 2: "for contumacy consists in the contempt of judicial authority." Also, from Pichler, *Ius Can.*, Book II, Title XIV, number 11: "It should be known that contumacy in its genus is nothing other than disobedience with contempt." And Ferraris, *Bibliotheca Appealatorum*, article IV, number 53: "Fifthly, by contempt is understood that contempt of the judge, which is committed by a true contumacious person, legitimately summoned and refusing to appear." And from Scaccia, *De appellationis appellat.*, question 17, Limitation III, number 2: "it must protect him, not be a shield that seeks to oppress and despise the judge." Likewise, Lud. Engel, *Collationes Universales Iuris Canonici*, Book II, Title XXVIII, § 3, number 33: "the contempt of the judge, which is committed by a true contumacious person, prevents the sentence pronounced against the contumacious person from being appealed," and Dom. Ursaya, *Disputationes Ecclesiasticae*, Volume V, Book II, Title I, number 88-89: "contumacy is said to come from *con* and *tumeo*, from which one is inflated and made proud in not yielding," and Sam., in *Praxis Criminalis*, chapter 26, de Contum., number 1, Book III, Title VI, § 1, number 2. Devoti, *Institutiones*.

[*Latin ed. p. 760*]

Acta Apostolicae Sedis. - Official Commentary. 760 These authorities are not, indeed, to be insisted upon so strongly, as if true contumacy requires the contumacious party to expressly declare that they wish to despise the judge; for "contumacy is said to be from *contemptus*, if a litigant does not obey the lawful mandate of the judge, he is considered to be in contempt by the same" (Pirhing, *Ius Can.*, Book II, Title XIV, § 1, no. 20); and contumacy is "said to be from *contemptus*, because it appears that the judge is being despised, who does not obey the judge" (Schmalzgr., *Ius Can.*, Book II, Title XIV, no. 38); and "the contumacious person, who does not wish to obey the judge, is, in the broadest sense of the word, a rebel, as Bar. states in Extrav., which under nos. 2 and Dec. says that rebels are those

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who are in open and notorious disobedience. And if contempt is sufficient, at least in fact and in the matter itself, it is required that the particular act of contumacy, as it appears from its circumstances, demonstrate and be capable of expressing contempt for the judge, as such. Although contumacy, materially, or "speaking generally and with regard to the matter, is disobedience to the judge" (Reiff., *Ius Can.*, Book II, Title XIV, § 2, no. 43), nevertheless, since it can proceed from different motives, or from a judicial disobedience, it is a certain fact, namely, either a) from contempt for authority, b) from distrust towards the judge, as this is an individual person, or c) which seems to be the same thing, from a renunciation of the right to defend oneself, at least in that instance, or from the exercise of a right, or rather, a faculty, as modern civilists teach, which the cited party has to compare or otherwise" (Mortara, *Princ. Proc. Civ.*, no. 132). Therefore, all contumacy is disobedience, and not all disobedience is contumacy, "and as Ursaya says, in the aforementioned place, contumacy differs from disobedience in that for the latter, any act of will refusing to obey a precept is sufficient, while for the former, a firm intention is required." Therefore, it is the duty of the judge to distinguish formal contumacy from simple disobedience in fact, because a particular presumption of disobedience, with all contempt, is considered to be inherent in him, as is evident from the disobedience, who, as it appears, must yield to the truth (Pirhing and Schmalzgr., etc., cited). Furthermore, in the specific case, from the acts and evidence presented in the case, from the manner of acting of the priest Schmelcher, and from all the circumstances, it is shown that he rather distrusted the judge, in this case, than that he despised the ecclesiastical judicial authority. For it was from this that the priest Schmelcher was principally accused by the Public Prosecutor, namely, that "he inflicted injuries upon the Archbishop and the Archdiocesan Court." Indeed, the Official of Cologne, or the Judge in the case, was either the Archdiocesan Court itself, or was scarcely distinguishable from it.

[*Latin ed. p. 761*]

The Roman Rota, case 761. The Archbishop himself expressly declares in the aforementioned letter: "due to the injury inflicted upon me and my vicar, as well as by the Official, to whom I entrusted the judicial exercise of jurisdiction in this Archdiocese, he was summoned to appear in court." However, the General Vicar was a counselor of the Official, acting as the Official's deputy, and one of the five judges to whom the case was assigned. These judges constituted a body or college in order to examine the case, as is evident from the very wording of the dispositive part of the sentence, signed by all the Officials or judges: therefore, they were constituted either simply or collegially, namely according to the law so that all would convene to conduct the business. Lega, *De Iudic.*, Chapter II, § 3, page 103, no. 92, and note 1. Furthermore, as Pichler, *Ius Can.*, Book I, Title XXXII, no. 12,

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and all the Doctors, such as Pirhing, *Ius Can.*, Book II, Title I, Section II, § 3, teach, "a judge (unless he is the supreme Prince, who knows no one above him) cannot regularly hear and render a judgment in a case that is his own, requiring contentious jurisdiction, L., un. c, lest anyone be a judge in his own cause, can. 23, q. 4." And the same Doctor continues: "I said 'regularly,' for if an injury is inflicted upon a judge, and that injury is notorious, he can punish it immediately, I. 1, ff., if anyone is judging." Therefore, since the injury inflicted upon the General Vicar of Cologne was not inflicted upon him as a judge, or in court, he could not, in a contentious manner, judicially examine the matter. Consequently, when the Official of Cologne constituted a college, in some way, or at least one of its members, was examining a case that was his own, and therefore, with regard to the priest Schmelcher or his actions, could exert or be subject to external influence – setting aside, of course, the internal equity, free from all malice, of the General Vicar, Dr. Kreutzwald, of whom we have no doubt – there was a reason for suspicion in the case. And indeed, the Reverend Schmelcher openly demonstrated this suspicion; for, as we have said above, at the very beginning of the legal proceedings, he denied the competence of the Official and the validity of the process, because, above all, it concerned accusations or injuries against the persons of certain superiors, who were performing their duties in court, or as a fiscal prosecutor or judge (e.g., the General Vicar). Regarding the fiscal prosecutor, it is true that he cannot ordinarily refuse, but it is certainly not equitable that he, to whom the common rights of the republic, Lega, *De Iudic.*, I, Chapter VI, no. 132; Card. Genn., *Sulla Privaz.*, p. 150, the person of the republic, or in this case, the diocese, are entrusted, should act in court, in which the injuries against his own person are also being considered; for then the order of jurisdiction becomes almost perverse and suspicious. Argument from Lega, cited, Chapter IV, page 147, no. 136, note. Regarding the General Vicar, from what has been said, his incompetence stems from himself.

[*Latin ed. p. 762*]

Acta Apostolicae Sedis. - Official Commentary. 762. The indictment was manifestly evident, and therefore, in effect, notorious. It cannot be said that a college of judges is different from each of its members; for, by positive law, it is established that if one of the judges refuses to participate, and if all are required to proceed collegially, then the college itself becomes incompetent. Chapter IV, On the Offices and Powers of Delegated Judges, paragraph 6. This exception of incompetence, proposed by Schmelcher, leads us to the same conclusion if considered from another perspective, namely, from the perspective of the judge's recusal, which, as Lega teaches, I, Title XIV, paragraph 565: "is analogous to the exception of incompetence." It cannot be objected that "a judge suspected of bias may only be recused before the commencement of the trial" (Reiff., Book II, Title XXVIII, § 12, paragraph

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320); for, a) at least implicitly, he had already been recused before the very citation; b) it is not equitable to apply this rule in criminal cases, in which the accused is never presumed to consent "to the approval of a suspected judge" (argument from Reiff., ibid.); c) this cause of suspicion, or rather, this incurable impediment, was inherent and should have been raised by the judge himself ex officio; d) indeed, as we have already indicated, judges proceeding collegially could not even be aware of the suspicion against one of their own members (as taught by Lega, De Iud., I, paragraphs 565 and 568). Therefore, what Lega teaches, I, Title XIV, paragraph 570, applies here: "the question of suspicion, by natural law, is a prejudicial exception that vitiates the validity of the acts, preventing further proceedings." It also cannot be objected that the contumacy of the priest Schmelcher was entirely, or at least primarily, due to his failure to appear before the presiding judge, and that this judge was different and should have been different from the judge who rendered the sentence. Instruction of the Sacred Congregation of Extraordinary and Regular Causes, June 11, 1880, article 12, and Letter of the Prefect Cardinal, November 10, 1896, in Genn., cited, page 149. For the instruction of the process was entrusted by the very Officialate, or by its president; the presiding judge proceeded with the authority of the Officialate, and therefore, at least ultimately, the authority of the judge ordering or citing was the authority of the Officialate itself, and the presiding judge, together with the judge, constituted the court and the judgment in the case. But it cannot be objected that the fact of contumacy was not denied by the accused himself, who wrote: "I justly neglected to appear before the presiding judge." For the fact of contumacy is a certain legal fact, which is not affirmed or denied by the accused, but is to be ascertained by the judge. Therefore, it must be concluded that contumacy is simply absent in this case; for, "in order for contumacy to be established, the judge must legitimately order" (Santi, Vol. II, Title XIV, paragraph 5); but, after the allegation of suspicion, the judge could not legitimately order, as he teaches along with others (Pignatelli, Cons., Vol. IX).

[*Latin ed. p. 763*]

S. Romana Rota. Cons., CLI, n. 95: « After the allegation, there is suspicion that if a judge, for any legitimate reason, delays a matter, and the delay causes suspicion that the judge is acting unjustly, and after the allegation of such suspicion, the proceedings continue, then the actions of the judge are, by law, null and void. » Or, the priest Schmelcher may have had just cause for not appearing due to the manifest incompetence of the judge summoning him, as stated by Schmalzgr., Part II, Title XIV, § 2, n. 42; Pichler, Book II, Title XIV, n. 13; or, the priest's disobedience may rather be reduced to a distrust of the judge in the case, rather than to contempt of the judge, as such. Therefore, in no hypothesis is it equitable and just to deprive him of the benefit of appeal. But, granted and conceded that

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in the priest Schmelcher's disobedience, there was no specific malice or contumacy, it does not necessarily follow that this contumacy was perfect, and that all the extreme, as they say, substantial elements of contumacy were verified. For a contumacious person is one who, by nature, does not obey. But the priest Schmelcher appeared; the denial of Schmelcher, again, offered further objections interlocutory to the judge himself, appealed from the sentence in which he was declared contumacious, and again appealed from another, or from two other, interlocutory sentences. Furthermore, he presented so many instances or defenses before the Archbishop or the Official in writing on the days of November 27, 1905; January 6 and 26; February 13 and 16; March 2 and 14; May 22; June 15; July 2, 3, 6, and 11; October 12, 28, and 31; and November 26, that is, from the introduction of the cause to the final sentence. But even in the contumacious proceeding itself, the priest Schmelcher was not without a defender. For he, being appointed by office, presented a more thorough defense. Therefore, although the priest Schmelcher did not appear personally before the investigating judge, he may be said to have appeared equivalently, at least in the judgment, through so many of his instances or appeals, with which he sought to purge, as it were, his contumacy, in fact and in deed. Wherefore, all these things, while undoubtedly confirming that in the priest Schmelcher's disobedience, there was no contempt of the judge, as such, also demonstrate that there was no extreme contumacy of his. Therefore, from the beginning to the end, it must be concluded that the priest Schmelcher was either not strictly speaking contumacious, or was not such a contumacious person, to whom that penalty, or deprivation of appeal, could be applied, and might be applied.

II. Indeed, even in the priest Schmelcher's contumacy, there was not present that element of law which entirely deprives one of his rights, or the presumption of renunciation of his rights, as it appears from the foregoing. Wherefore, it may also be argued, by analogy, from what is taught by Reiff., Iur. Can., Book II, Title XIV, § 5, n. 148. For there he says that a contumacious person, if condemned for not appearing, is heard in appeal. And he gives the reason: « because the contumacious person commits a greater offense in... »

[*Latin ed. p. 764*]

Acta Apostolicae Sedis. - Commentarium Officiale. 764: "Non est contumacia in non veniente, sed in non exhibente; nam ille peccat solum in uno, ille in duobus; quia et auctoritatem iudicis contemnit, et seipsum defendere negligit: nam horum posterius non facit contumax in non exhibendo."

Igitur, a fortiori, sacerdos Schmelcher debuit audire appellationem; nam vel in neutro, vel in uno tantum deliquit.

III. Nunc, ut ulterius progrediamur in enucleanda definitione seu natura contumaciae, sciendum est, secundum doctores, inter veram et fictam: est

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eam communiter distinguere a "vera, quae est 'si citatio apprehendit citatum'"; "ficta, quae est 'si ipsum non apprehendit personaliter vel ad eius notitiam non pervenit'." Reiff., cit. Lib. II, Tit. XIV, § 2, n. 57.

At "Glossa, fin. in Clem., nn. h. t., post Speculatorem, tit. de contumacia, num. 3, addit tertium membrum, videlicet contumaciam evidentem, qualem committit ille qui citatus expresse dicit se non venturum." Reiff., ib., n. 56.

Hanc contumaciam alii auctores vocant formalem, ut Pichler, Ius Can., Lib. II, Tit. XXVIII, n. 10; alii confundunt cum notoria, ut Pirhing, Lib. II, Tit. XIV, Sect. II, n. XX; et Schmalzgr:, Pars II, Tit. XIV, § 2, n. 39; atque Durand., Spec. iuris, Lib. II, Part. I de Contum., Summ.; alii vero, ut ibi Durand., Additio, distinguunt nempe "quando id dixisset in iudicio (non venturum) a notoria; si extra iudicium sic dixit, dicitur evidens, vel vera, verior vel verissima."

Quamvis autem Marant., de ord. iud., p. 6, tit., de contumacia, n. 8, notet haec doctores intelligenda esse de citatione voluntaria; atque plerique contumaces evidentem reducant ad contumaciam veram, Pirhing, Reiff., cit, etc, tamen quoad poenas in contumaces, retinenda est distinctio in contumaciam fictam, veram, evidentem et notoria; nam notoria est qualificata, evidens Summ. est gravior quam vera. Durand., cit. et Addit.

Age vero Pichler, Ius Can. Lib. II, Tit. XXVIII, n. 10, expresse docet: "Appellare prohibentur 'formaliter contumaces, h. e. qui perem ptorie citati aperte dixerunt, se nolle venire, et sic formaliter contempserunt Iudicem: aliud est de illis, qui solum contumaces erant simpliciter in non comparendo, in non iurando de calumnia, in non restituendo, quia tales non evidentur contemnere Iudicem; sed potius diffidere iuri suo'."

Idem quoque innuit in Tit. XIV, n. 15: "Ut aliquis condemnari possit ut contumax in poenas a iure statutas requiritur 'Excipe casum quo quis enormiter esset inobediens, ac ipsum iudicem formaliter contemneret'."

Et Ojetti, Synops. Appell., n. 399: "A beneficio appellationis excluduntur in poenam formaliter contumaces, seu hi qui peremptorie citati noluerunt se iudici sistere."

Quin immo Pichler, n. 21, ulterius progreditur, dum insinuare videtur ad poenam nega-

[*Latin ed. p. 765*]

The Roman Rota, in matters concerning appeals, strongly requires that contumacy be strictly and clearly demonstrated, specifically in the judgment: "Indeed, contumacy arises from the refusal of the appeal, the refusal of a new citation, but it is more probable if it is demonstrably contumacious, that is, if in court, not only did the one cited say that he did not wish to come any longer, but also outside of court. Reiffenstuel, n. 121, which demonstrably requires notorious contumacy for the first two penalties according to c.

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7, § 1, de Sent. Excommun. in 6." Conspirat, who also writes in *Devoti, Ius Can. Univ., Lib. II, Tit. XIV, § 1,* (along with Tuschi, cited, who teaches "that a true contumacious person is he who, when cited, said that he did not wish to appear"), at least implicitly requires malice or gravity for true contumacy, which other Doctors attribute to contumacy. "For contumacy is disobedience to the command of the Judge, when someone called to court does not come, or does not do what he ought to do, and this is either true or feigned and presumed. It is called true when there is evident malice and a certain will not to obey; it is called feigned and presumed when someone does not appear before the judge, nor does what he ought to do. This person is contumacious." And Title XXVIII, § 5, concludes: "Therefore, one cannot appeal who, having been legitimately cited, has declared that he does not wish to appear in court, and thus has presented not a feigned but a true contumacy." Therefore, it can rightly be said that not only the new, but also the ancient, canonical doctrine has tempered in strict canonical law that rigor borrowed or accepted from Roman law, so that canonical law almost equals canonical equity, according to which, as we will immediately see, not only a plea, but also a true contumacious person, without distraction, can appeal. Let it not be objected that this doctrine is not common; Durand, cited, *Summ.*; Pirhing, Tit. XIV, § 5, n. 411, Note seventh, for it would at least be probable, and therefore it creates doubt itself; in doubt, the accused should be favored. IV. Furthermore, Pirhing teaches in *Ius Can. Lib. II, Tit. XIV, Sect. II, § 5, n. 4:* "If, before a final sentence, someone, by appealing, withdraws from the Judge, and the Judge does not defer to that appeal (as frivolous and illegitimate) but, against the one cited, or even the one not cited (because he is not obliged to cite), according to c. 2, h. t., in 6, renders and promulgates a final sentence in his absence, then the one who first appealed can also appeal from the final sentence, within the due time, unless the first appeal was manifestly frivolous; as Clement V decreed in the Council of Vienne, and as is reported in Clem. Si ante, unic. h. t. Thus also John Andrew, *De dol. et cont., c. 3, 3.* Indeed, from these things, one can argue in our favor, at least from...

[*Latin ed. p. 766*]

Acts of the Apostolic See. - Official Commentary. 766 analogy. For the priest Schmelcher truly appealed, and, before the same judge, and having recourse to the Supreme Pontiff, he requested that the interlocutory sentence, which either had the force of a final sentence, or at least inflicted irreparable harm upon him, be reviewed. The judge of Coloniensis, while declaring him contumacious, was aware of and judged his exceptions. The priest Schmelcher's appeals were manifestly not all frivolous, and at least that one was not frivolous by which the priest Schmelcher declared that he was appealing from the sentence of contumacy. Scaccia, *De Appellat.*, question II, article III, 50, teaches: "That appeal is called frivolous which is

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manifestly frivolous when it is evident; for, says (Alb. de Ros.), someone appealed against an elected official, saying that he had one eye, and it is apparent that he has two eyes." V. Finally, it must be said that, in our forum, silence is not permitted, as is stated in Neapolitana - *Crediti H. S. O.*, at the end, concerning canonical equity, according to which not only has that rigid rule of law "all rights cry out against the contumacious" been tempered by the rule: "the absence of the thing is supplied by the presence of God," Pichler, *Ius Can.*, Book II, Title XIV, number 19, but also the penalties for contumacious individuals, and especially the rigor of Roman civil law, with regard to the deprivation of the right to appeal, have been so mitigated that even a true contumacious individual is admitted to appeal. Card. De Luca, *De Iudiciis*, Part I, Book XV, Discourse X, number 15, teaches: "Regularly, a contumacious individual is admitted to appeal concerning the rigor of the law, but concerning canonical equity, which is received in the Curia, he appeals, if he is a true contumacious individual within ten days from the date of the sentence, and if he is a suspect, from the day knowledge is had." And Leur., Book II, Title XIV, question 438: "I have said the third concerning the rigor of civil law. For both a true and a suspect contumacious individual are admitted to appeal from the sentence passed against him in his absence, concerning canonical equity." And Scaccia, *De Appell.*, Question XVII, Limitation III, number 12: "... The observance of the Rota, (according to which even a true contumacious individual can appeal) is founded on canonical equity, according to which even a true contumacious individual can appeal. Ferret., cons. 216, vertitur, q., n. 3, and thus it is observed both in the Roman Curia, and throughout the ecclesiastical state - with absolutely no difficulty removed." Sabell., *Summ. Contumacia*, XXXXVII, number 2, and following; Schmalzgr., Part II, Ut. XIV, % 2 n. 57, etc. Furthermore, civil laws - Mattirolo, *Dir. giud.*, IV, n. 461, 462, etc. - imitating canonical equity, grant the contumacious individual the right to appeal. Tancredi Canonico, *Dei Giudizio Penale - Dei Procedimento in contumacia*; Mortara, *Comment, dei Codice e delle Leggi di Proc. Civil.*, Title VI, n. 671, n. 7, etc. - Indeed, how can it be reasonable to reject what is ours, namely, a right?

[*Latin ed. p. 767*]

The Roman Rota, sections 7.67, reiterates the obsolete rigor of Roman law, adhering strictly to it, so that "that which is contrary to the reason of law (our own) is not to be brought to consequences" in our forum. Therefore, considering the reasons, whether individually or collectively, it must be concluded that the Judge of Muenster, even with the complaint of nullity rejected, justly could pronounce judgment on the principal matter of the Cologne case, and reach the merits of the case. For, as stated above, the priest Schmelcher was by no means deprived of the right of appeal; he interposed a complaint of nullity, within the time allowed for appeal, as

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appears from the records of the case, before the Superior Judge, who was delegated by the Holy See as a judge of second instance, or of appeal, and not only to examine the matter of nullity in that case, or similar matters. It cannot be argued that the Judge of Muenster, on the one hand, recognized the fact of contumacy and, therefore, could not hear the appeal of the contumacious party, and, on the other hand, judged the merits of the case; for this defect, or they say, does not deprive him of jurisdiction in this case. Therefore, since the complaint of nullity was rejected, neither did the judgment of the first instance become res judicata, nor did the Judge of Muenster relinquish his office or jurisdiction, nor did he arbitrarily and illegitimately remove, alter, or correct the penalty established by the first judge. We say arbitrarily and illegitimately, because, as we noted above, it is not for us to judge the merits. Regarding the laws and canons presented to us in this case, they are reduced to 1. 1, C.; to the appeals, VII, 65; to 1. 53, D. De re iudicata, XLII, 1, and to the declaration of the Holy Synod of Bishops, concerning the mandate and approval of Clement VIII, issued on October 16, 1600. However, as appears from the foregoing, it is of little or no use to cite the text of a law, unless its meaning is properly understood, and it is appropriately applied to the particular case. For "to know the laws is not to hold their words, but their force and power." D. I. III. 17. Moreover, it is taught to us: "in causes, the authority of Sigismund Scaccia is such that the sentence of nullity opposed remains irrevocable, and the appeal has no effect, as if it had not been interposed or accumulated, so that the judge will pronounce only on the nullity, because it is not within the power of the party to make a sentence appealable, which our law makes irrevocable." This is not the true meaning of this text concerning an irrevocable sentence, for it is not about making something that is not appealable, appealable in itself, but about the deprivation of the benefit or right of appeal due to contumacy, which, being a certain particular fact, can be..." in ACTA, vol. II, n. 19. - 10-10-910. 51

[*Latin ed. p. 768*]

Acts of the Apostolic See. - Official Commentary. 768, in each of those cases, they are clothed with those circumstances, so that they do not fall under penal law. "It must be noted," Tit. XXVIII, § 1, n. 8, that Pichler, in *Jus Canon.*, Lib. II, states that there are cases in which the right of appeal is denied, some of which arise from the part... of the appellant, such as when he has contemned the judge through contumacy by failing to appear in the matter, concerning which the sentence is issued; others arise from the part concerning the legitimate correction to be applied... if it concerns a very minor matter." After having carefully considered both what has been done and what the law prescribes, and having invoked the name of Christ, and with God alone before our eyes, We, the undersigned Auditors, sitting for the tribunal, in response to the proposed question: "Does

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the reformation of the sentence of Cologne, introduced by the sentence of the Reverend Curia of Monasterien, constitute illegitimacy, given that the sentence of Cologne definitively pronounces [judgment], and can it be demanded from the day of the month of May?" We declare: No, and furthermore, We decree that the expenses are to be borne by the parties. Thus We pronounce, ordering the Ordinaries of the places and the ministers of the tribunals to whom this pertains, to enforce this sentence and to proceed against those who resist, according to the norms of the Sacred canons and especially c. 3, sess. XXV, concerning Reform, of the Council of Trent, using the executive and coercive means that are most effective and appropriate for the circumstances. Rome, on the 23rd of May, 1910. Francis Heiner, President. L. Eg S. Ioannes Prior. Aloysius Sincero. Sac. Tancredes Tani, Notary. II. PHAREN. 1 OF RIGHTS AND PENALTIES. During the happy reign of the Pope, Seraphinus Many, in cause 10 Pio septimo, "Pharen." Scarpa PP. June year 1910, RR. - Of rights and penalties - represented by the legitimate and reasonable procurator, of the Order of Preachers of Tournon, the parish priest, first through then through the legitimate episcopal procurator, Reverend Carmel Conte, of Pharen, represented by William Sebastianelli, and Francis Heiner, Auditors, Reverend Dominic Mancini, Religious of his Domination, PP. DD., and legitimate.

[*Latin ed. p. 769*]

The Roman Rota, having heard the case of the Reverend Aloysius, presented by the Sacred Procurator against the Reverend Promotor Lavitrano, with the participation and deliberation of those concerned with justice, law, and the rights of the parties, rendered the following judgment:

The Ordinary of Pharensi, by decree dated June 9, 1905, ordered the parish priest Cosimo Scarpa of the place of Urbis Veteris within that diocese to perform the sacred functions on Sundays within the octave of Corpus Christi, so that the Fathers of the Order of Saint Dominic residing there might carry out a *Theophoric* procession within the parish boundaries. The parish priest, Scarpa, sent a petition to the esteemed Captaincy district of Lesinensi, requesting that it intervene against the episcopal decree and prevent the procession.

The petition was rejected by the Captaincy, and the procession took place. A new appeal was made to a higher authority, namely the Imperial Lieutenant, requesting that, for the future, the aforementioned procession be prohibited.

Regarding this matter, the Bishop of Pharensi severely reprimanded the parish priest and, by decree of July 26, 1905, deprived him of the office of Dean, which he held, and, as a first warning, ordered him to withdraw the appeals presented to the civil authorities.

Against this decree, the Reverend Scarpa appealed to the Metropolitan through the Curia; but the Curia refused to transmit this appeal, and no-

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tified the aforementioned parish priest of this refusal by decree of August 10, in which it also warned him for the second and third times.

But to no avail; the Reverend Curia's influence extended to the point that, both directly from the Bishop's decree, an appeal was lodged with the Metropolitan, and on September 1, 1905, a third appeal was made to the Minister of Cults of Viennensem.

The Metropolitan Curia, on October 7, rejected the parish priest's appeal for lack of competence, and the Ordinary of Pharensi, having been informed of the third appeal, by decree of October 16, suspended the parish priest from office for fifteen days, adding that, if the parish priest did not withdraw the appeals to the civil authority (which were then three), the suspension would continue until he did so.

Thus, the suspension was imposed both as a punitive measure and as a medicinal penalty, or censure.

From these provisions of the Ordinary of Pharensi, the Reverend Scarpa appealed to the Apostolic See, and the matter was first brought before the Sacred Congregation of the Council, and then, by papal rescript, was transmitted to His Holiness, with the following questions:

I. Whether the removal from office and the imposition of penalties are justified.

II. And, in the negative, whether the Reverend Scarpa should be reinstated in his office as Dean, and whether the aforementioned priest, in this case, is entitled to compensation for damages.

III. Whether the decrees of June 9, 1905, and June 10, 1906, regarding the rights of the Dominican Fathers are valid.

[*Latin ed. p. 770*]

Acta Apostolicae Sedis. - Official Commentary. 770. The Most Reverend Fathers, Auditors from Tournon, on July 27th of the past year, deemed it necessary to respond as follows: To I. Affirmative to both parts; that is, the deposition of the parish priest Scarpa from his office, as well as the imposition of suspension upon the aforementioned priest, are to be upheld. To II. Regarding the provision in the first part. III. Affirmative. Since the Reverend Parish Priest appealed this decision to the following Royal Court, the case is now presented again under the question: Whether the decision of July 27, 1909, should be confirmed or overturned in this case. And, first of all, in order to address those things which have been objected to the validity of the aforementioned decision, it must be noted that this controversy was transmitted by the Sacred Congregation of the Council to the Holy Tribunal by a special commission from the Pope on December 15, 1908. And rightly so; for it was not a case of an appeal interposed against a judicial sentence, but of a recourse made to the Holy See against the decrees and administrative dispositions of the Ordinary of Pharensis. The

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Roman Pontiff can, however, refer controversies to our Tribunal, either of his own motion, or at the request of the parties, according to canon 14 of the Proper Law. Nor is it required that a commission be made in any solemn manner, e.g., by a Brief or by a Bull: it is sufficient that a simple rescript be made, from which the will of the writer is evident. Nor is the Pope obliged to indicate the reasons which moved him to transmit the questions to the Sacred Rota for a definitive judgment. It matters little, whether in one rescript, the Holy See has referred one, two, or a greater number of cases to our Tribunal. With this brief observation made, with regard to the first part concerning the first question, the Most Reverend Fathers in the aforementioned decision clearly demonstrated that the power of Deans and Vicars Forane is not derived from law, but from a commission granted to them by the Bishop, of whom they are delegates; and that their office is removable at the will of the delegating authority, so that, with the consent of the Bishop, it may be maintained, or taken away, although the removal cannot be made without a just and reasonable cause, since everyone has the right to their own estimation. This common right prevails in Austria and in Dalmatia. Indeed, in the Austrian concordat of 1855, nothing special is mentioned regarding Deans, or Vicars Forane, except that in article 4, it is declared that it is free for the Bishops to exercise: "What pertains to the governance of dioceses, either by declaration, or by disposition of the sacred canons, according to the present and by the Holy See approved discipline of the Church."

[*Latin ed. p. 771*]

The Roman Rota. 771 "Specifically, ecclesiastical vicars, counselors, and assistants of their administration are to be appointed, whoever are judged suitable for these offices." Therefore, in this matter, Austrian law agrees with common law. Nor does any other law prevail in Dalmatia. Indeed, in the organic decree of August 18, 1849, which was published in the diocese of Pharensi by the Bishop on August 31 of the same year, the following is stated: "The dioceses will be primarily divided into districts, or deaneries, regarding which it must be noted that the office of dean will not be permanent, nor attached to a benefice." Hence, it is wrongly argued that the inseparable connection of the office of dean with the office of parish priest is derived from the title of the parochial and deanery church: for it is added in the aforementioned decree: "It was deemed convenient for the good order to give each deanery the name of the principal parish of the district, without, however, preventing that the deanery office cannot be entrusted to any priest of the district worthy of trust." Therefore, since the parish priest of Urbis Veteris had held and retained the deanery by virtue of a commission, or delegation, of his own Ordinary, based on the office being held in trust, the deanery and the delegation were entirely dependent on the delegating authority; he was therefore removed. The removal consisted, as if in his

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absence, of a just and deserved action decreed by the Ordinary of Pharensi for a reasonable and serious cause; for it is a grave matter to resort twice to the secular forum to impede the execution of an ecclesiastical act of authority. Nor should it be said that the legal process was lacking. For, besides the fact that in this case, a notorious crime was being dealt with, as will become clear from what follows, it is worth remembering what was established in 1903: "Deans, vicars forane, or district vicars, otherwise in our diocese in Austria, are constituted by the Ordinary and can be removed without a trial." The other part of the doubt refers to the suspension, which, as has been said, was imposed on the parish priest Scarpa as a punishment and as a censure. It is clear that the suspension imposed as a punishment was justified, if one considers that the Reverend Parish Priest was suspended 15 days after three appeals to the secular forum, of which the first and second, at least indirectly, and the third explicitly and directly, had been intended to impede the exercise of ecclesiastical jurisdiction. Furthermore, this is the very offense provided for in the Apostolic Constitution, section I, article VI, which Reverend Scarpa certainly could not have ignored, and in which it is declared that one incurs excommunication in a special manner reserved to the Roman Pontiff: "Those who directly or indirectly impede the exercise of ecclesiastical jurisdiction, whether of the internal or external forum, and to this end recur..."

[*Latin ed. p. 772*]

772 Acta Apostolicae Sedis. - Commentarium Officiale. "Appeals to the forum with a more favorable outcome without secularization." The parish priest was admitted, not having incurred the effect; but this does not diminish the penalty, because, with the appeal remaining in force, the crime persists: for, on his part, Reverend Cosimus did all that he could to ensure that the appeal was effective, hence he appealed again and a third time. Therefore, the fact that the appeal did not have effect is not to be attributed to the parish priest, but to the imperial magistrates, who, even with regard to civil laws, did not acknowledge anything reprehensible in the procession of the Dominican Fathers and in the episcopal decree. Therefore, since the crime of Cosimo Scarpa, considered in itself and objectively, was worthy of the censure of excommunication, it is certainly the case that the penalty of suspension for 15 days, which the Bishop actually imposed, is to be considered milder and far below the gravity of the offense. However, this penalty was necessary; for the conduct of the parish priest gave scandal not only to the clergy and the people, but also to the entire diocese, as noted by the Sacred Congregation for the Council, writing: "The parish priest consulted his conscience because of the appeal to the civil authority and because of the scandal that ensued." It cannot be said that, in the case of an ineffective appeal, such as the appeal of Reverend Cosimus, the ecclesiastical law does not impose a penalty (as we have said, according to a more

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favorable interpretation), and therefore that the Bishop cannot impose the same penalty without a law. Indeed, in our law (whatever may be said about civil legislation), when a law prohibits an act and does not establish a penalty, the judge can impose an arbitrary penalty, which is proportionate to the gravity of the offense committed. It is clear from chapter 4, "De Officio Delegati," where the following is read: "Also, to those who have neglected to come to your summons for reasons assigned to them, or to obey your judgment on these matters, if such is the case, and a certain penalty is expressed in the canons, you shall impose the same, otherwise you shall punish them according to the gravity of the offense and the cause, according to your judgment." From this passage, the Doctors commonly draw the following conclusion: see, for example, Fagnanus, in chapter 13, and "De Officio Ordinarii," n. 16-18, and in chapter 2, "De Reliquiis Vener. SS.," n. 95; Pignatelli, "Consultationes can.," Vol. IV, Consultation 1, n. 3-4; Reiffenstuel, "in tit. de Poenis," n. 10-13, etc. Furthermore, no complaint can be made about the manner in which the penalty, which was otherwise legitimate, was imposed. For, when it is a question of a serious penalty, by which the parish priest was removed, even if only for fifteen days, from any parochial office; from the celebration of Mass, from preaching, and from the administration of the sacraments, this could only be imposed not only in the manner prescribed by the ordinary process, at least while the case is being considered regarding the offense committed, but also, as they say, administratively, but summarily. — It was well known, not a crime, so that neither the act nor the annotation was considered as such.

[*Latin ed. p. 773*]

The Roman Rota could not tolerate any tergiversation. 773 Indeed, repeated appeals from the parish priest to the forum [ecclesiastical court] were notorious, demonstrating disobedience to the mandates of the Ordinary, as well as obstinacy and grave offense. However, when a crime is notorious, and the author of that crime is equally well-known, a judicial process is not required, as is taught in chapter 9 on Accusations, chapter 21 on Oaths, and Gruber, in chapter 10 on the Sons of Priests, etc., in the section on Accusations, number 14, writes: "Regarding notorious crimes, the judge can proceed against the accused without observing the order of justice." The reason for this is that judgment serves to uncover the crime and the author of the crime; therefore, a judicial process is almost superfluous when the accused cannot offer any argument to excuse himself from the alleged crime, since the evidence against him is clear. Indeed, in such a case, not only is the process unnecessary, but even the summons is not required. Thus, Fagnanus, in chapter 9 on Non-Resident Clergy, number 7; Schmalzgrueber, in the section on the Oblation of the Book, number 26; Bouix, in "De Iudiciis Ecclesiasticis," part II, § 1, number 11; Santi, in section III on Clergy, conjugate number 5, and the most eminent Gennari, who in

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his work "Della privazione del Beneficio ecclesiastico," page 2, chapter 5, § 12, writes: "The other case in which a summons is not required is when it concerns a public and notorious matter, which admits of no doubt whatsoever. In such a case, defense becomes useless, and therefore, the summons also becomes useless. Thus, all the Doctors, based on many texts of law, especially on the chapter "Cum sit Romana" - on Appeals, etc." Although the summons was lacking, it is clear that in this case, the imposition of the penalty of suspension was preceded by three warnings; and indeed, a warning, especially in criminal cases, is used in place of a summons, for a warning is "a summons with the threat of a penalty on the one summoned, if he does not comply." Finally, the Bishop is criticized for imposing the penalty while the appeal was pending before the Metropolitan. However, the Ordinary of Romana issued his decree nine days after the date on which the Archdiocesan Court declared its incompetence to receive the appeal; hence, there was no pending appeal. In truth, the appeal was rejected; for a suspension with a suspensive effect is granted only by a judicial sentence. Therefore, since there was no element of a judicial sentence in the Bishop of Romana's decree, by which the Reverend Scarpa was punished, the Metropolitan was completely incompetent, and the suspension of the appeal could not arise, unless the parish priest had presented his appeal to the Apostolic See within a reasonable time. The other penalty imposed by the Bishop was a suspension, which, if inflicted, would have lasted, even after fifteen days, and until the appeal was revoked, and would therefore be properly called a censure. The parish priest was gravely and externally reprimanded.

[*Latin ed. p. 774*]

Acts of the Apostolic See. - Official Commentary. 774 The city of Orvieto had failed to comply, and having been repeatedly warned, and having not revoked the appeals presented to the civil authorities, it justly underwent the censure of suspension, until it obeyed the mandates of the Bishop. Now, concerning the third question, namely, the procession, provision has already been made for the second question in the first. And it is immediately necessary to note that, while we defend the competence of the Sacred Roman Tribunal, by virtue of its pontifical commission, regarding the solution of doubts, we do not wish to judge whether the Ordinary of Hvar-BraÄ-Vis and the Fathers of the Dominican Order of Orvieto, considering the circumstances of the place, have acted prudently in the case, especially concerning the political-religious controversies existing there; for this question, as is evident, entirely transcends our forensic province. — With this established, it is beyond dispute that the Fathers of Saint Dominic have the right to hold a procession on Sunday within the octave of Corpus Christi, by concession granted to them by Saint Pius V (June 20, 1570) and subsequently confirmed by the Most Holy Fathers Clement VIII (March 8, 1592), Benedict

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XIII (March 23, 1727), and Clement XI (April 10, 1733), but also that they "wished to and were permitted to celebrate it only once, at the hour chosen by them" (Clement VIII), "and without any license from the Ordinary or the parish priests" (Gregory XIII). It is, however, falsely objected that the aforementioned pontifical constitutions were not promulgated in Dalmatia. For, it is certain that it was sufficient that they were promulgated in Rome, so that the acts of the Pontiff are considered promulgated throughout the nations; and Clement VIII, in his Brief of March 8, 1592, states the following regarding promulgation: "Because it would be difficult to send these letters to each and every place where it is necessary to have them observed, we wish and decree, by our authority, that those who have copies of these documents, printed, with the transcriptions signed by a public ecclesiastical notary and sealed with a seal, shall be given the same faith as if the present documents were exhibited or shown." It is also wrongly objected that the Fathers have lost the privilege through non-use. Although it is true that the Dominican Fathers of the Convent of Orvieto have not used the privilege for a long time, it does not follow that the privilege has ceased. For, a positive privilege does not cease through non-use, unless it is burdensome to others, or unless it causes a burden to others, which is certain law and is admitted by all. Reiffenstuel, in tit. de Privilegiis, n. 209. Furthermore, the privilege in question is not burdensome to others, e.g., the parish priest; for the parish priest does not have the exclusive right to hold theophoric processions on Sundays within the octave.

[*Latin ed. p. 775*]

The Roman Rota. In the book *De Corporis Christi*; indeed, this privilege was granted to all Regular Canons by Gregory XIII in a Brief of March 11, 1573. Nor can it be said that the mere act of passing through the boundaries of a parish constitutes a burden for the parish priest; for this is a matter of fact, which does not involve the exercise of jurisdiction, whether contentious or voluntary. Furthermore, even if the aforementioned privilege is burdensome to the parish priest, it does not follow that it ceased to be valid through disuse. For, according to a well-known principle, prescription does not run against those who are impeded. The Doctors commonly state that a burdensome privilege is not lost through disuse, when the privileged party was impeded from exercising the privilege. The aforementioned author, in the same title, numbers 205-207; Schmalzgrueber, in the same title, numbers 180-194; Ferraris, in the article *Privilegium*, article III, numbers 30-33, etc. Moreover, until the year 1905, as the parish priest himself admits, the Dominican Fathers, due to the small number and poor health of the religious, were entirely unable to carry out the procession. Nor should it be added that, even now, the Fathers are legally prohibited from using this privilege due to the lack of a sufficient number of members in their community. It is well known that the Council of Trent, in chapter 3,

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session 25, decreed that in monasteries, both of men and women, the number of religious should be established and maintained, so that they could be conveniently supported by customary alms. However, the Dominican community of Orvieto was established long before the year 1625, when Urban VIII ordered that the Tridentine decree be enforced, requiring that at least twelve religious be present in any newly established monastery. After carefully considering these matters, invoking the name of Christ, and with only God before our eyes, we, the undersigned Auditors sitting in judgment in Tournon, declare, pronounce, and define that the sentence of the Rota of July 27, 1909, is to be confirmed. And, while we command the parish priest Cosimo Scarpa, in the presence of the court, to order the local Ordinary to pay all expenses and to the ministers of the tribunals, as is due, to enforce this our definitive sentence, and to proceed according to the canons, against those who resist, in accordance with the sacred decrees, especially chapter 3, session 25, concerning the Reform of the Council of Trent, using the executive and coercive means that are most effective and appropriate for the circumstances. Rome, June 10, 1910. William L. Eg S. Sebastianelli, President. Seraphinus Many. Franciscus Heiner. Sac. Tancredes Tani, Notary.

[*Latin ed. p. 776*]

Acta Apostolicae Sedis. - Official Commentary. 776 III. MILAN. 1 NULLITY OF MARRIAGE - (BALZAN - ADAMI). During the tenth year of the blessed reign of Pope Pius Eighth, on August 6th, in the year 1910, the Most Reverend Fathers, Doctors William and Anthony Perathoner, Auditors from Tournon, in the case of Milan, concerning the nullity of marriage between Eugene F. Balzan, represented by the advocate D'Alessandri, and Itala Adami, legitimately married according to Italian law, with the official, by office, procurator Adami intervening and the undersigned presenting the definitive judgment. Eugene Balzan, a native of the diocese of Atri, sixteen years of age, residing in Verona for the purpose of study, was captivated by love for Itala Adami, seventeen years old; and having become acquainted with her, he requested marriage. Regarding this matter, he approached the Reverend Caietan Masotti, the parish priest of Saint George in Bra, and the bride's own parish priest, in order to celebrate the marriage. However, the parish priest did not grant his request, because the father of Eugene was hindering the marriage, who was unwilling to give his consent, and also because of the diocesan law, which prohibited ecclesiastical marriages unless a civil contract had been previously concluded. Nevertheless, undeterred, the young man wrote to his brother Paul, who resided in Padua, asking him to persuade the Reverend Vincent Mortesina, the parish priest of All Saints in that city, to celebrate the ecclesiastical marriage, in the same manner as Paul himself had previously entered into marriage before him, under similar circumstances. The parish priest of Padua accepted the prayers of Eugene's brother, and promised to celebrate the marriage,

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provided that he had received a proper delegation from the parish priest of the bride. Under these circumstances, Balzan obtained from the parish priest Masotti, along with baptismal certificates and proof of freedom from prior marriage, the following written delegation: "The undersigned takes pride in sending the documents and, at the same time, declaring that he assumes no responsibility, declares that, on his part, there is no objection to you, or others, assisting at the marriage." Having received this, the Reverend Mortesina, believing himself to be legitimately delegated, celebrated the marriage. But an unfortunate omen befell the couple. Disputes arose between the spouses, and Eugene abandoned Itala, and on January 13, 1908, he sent a petition to the Milanese Tribunal, requesting that his marriage be declared null, under the head of clandestinity, due to the lack of the proper parish priest. The judges of Milan, having obtained the delegation from 1 Acta Apostolicae Sedis, vol. II, p. 206.

[*Latin ed. p. 777*]

The Roman Rota. In the year 777, to the Bishop of Padua, having been duly informed of the proceedings, a favorable judgment was rendered in favor of the plaintiff; which was confirmed on the second instance by the Most Holy Office, on February 23, 1910, with these words: "It is established that the marriage is null in this case." However, the diligent Defender of the Bond, by virtue of his office, appealed this decision of the Rota. Therefore, the case is again presented today under the usual question: "Whether the decision of the Rota should be confirmed or overturned in this case." According to the Council of Trent, a parish priest must assist at marriages, or another priest with the permission of the parish priest, or with the license of the Ordinary. However, an express license is not required; a tacit license is sufficient, which is inferred from the preceding and truly conclusive facts. Given this, and so as not to repeat unnecessarily what is noted in the other two judgments, only two things are to be considered: namely, the fact of the transmission of the letter, with the aforementioned documents attached, which pertain to the marriage. Those who examine these matters believed that the parish priest of Mortesina had validly proceeded with the celebration of the marriage between Eugenio Balzan and Itala Adami. But our assessment of the true state of affairs does not change the truth. Indeed, even if a tacit license, or an intention to delegate, is found in the transmission of the documents, it certainly cannot be beneficial when the documents themselves clearly show that the marriage is contrary to the intention of the delegating party. This, however, is the case in our instance, as will be evident from what follows. As for the letter, those words: "no obstacle for her or for others to assist at the marriage," when considered in the context of the matter, exclude any delegation whatsoever. For the parish priest of Masotti believed that the marriage was to be celebrated in Padua by the assistant priest of the groom: "he - himself testified - consid-

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ered them to be (true spouses), because the spouses told him that 'they were going to contract the marriage in Padua before the parish priest of the groom's family, and he believed that that parish priest could legitimately assist at the marriage of Balzan, then a young man of 18 years." This is confirmed by the words of Father Brentegani: "Masotti told me that 'he had never intended to give a delegation; that he had, however, written to the parish priest of Ognissanti in Padua, and that if he believed he could assist as the parish priest of the groom, he should do so.'" Thus, with those words: "no obstacle," the parish priest of Verona, with regard to the celebration of the marriage, in some way deprived himself of his own right; behaving passively, allowing the betrothed to be attended by the parish priest of the groom's family.

[*Latin ed. p. 778*]

778 Acta Apostolicae Sedis. - Official Commentary. The lack of willingness to delegate responsibility to the parish priest Masotti is clearly deduced from the words that precede the presumed delegation: it cannot be denied that the following words are determined by the preceding ones. "Indeed, the preceding words have greater power to determine the following words than the following words have to determine the preceding words" (Sacra Romana Congregatio, Decree, record 346, n. 8). The words that precede the supposed delegation are: "At the same time, declining all responsibility... nothing prevents... etc." Indeed, in order to understand what responsibility is being spoken of, it must be remembered that Eugene Balzan and Itala Adami were in different circumstances with regard to family matters; the bride's father had refused his consent to his son to enter into marriage at a younger age; it was impossible for a civil contract to precede a religious marriage, according to the statutes of the Diocese of Verona. Therefore, the General Vicar of Verona declares: "He who 'writes remembers very well having denied consent to the 'celebration ' of the marriage, because the groom, lacking the 'prescribed age, would not have been able, if not after a long time, to 'regularize his situation with the civil authorities.'" Given all of this, especially considering the prohibition expressly made by the Curia of Verona, it was certainly the responsibility of the parish priest Masotti if he celebrated the marriage; he sent the case to the parish priest of Padua, leaving him free to assume the risk and all responsibility regarding the marriage. It cannot be objected here that this does not involve a delegation, by which a delegated person acts in the name and on behalf of the delegating person. Although we may admit that this is not a true delegation in this case; and that, according to the opinion expressed in chapter... Although all priests who can legally and by authority granted to them by the Council join the couple in marriage acted as authorized witnesses; it was nevertheless found that the Council had not granted priests the faculty of this priestly ministry unless they had first obtained permission from the

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parish priest of the couple. But the parish priest who grants permission to assist at the marriage makes himself responsible for the concession made. Therefore, when the parish priest Masotti declared that he had not granted any permission for the marriage between Eugene and Itala to take place, it must be concluded that he did not delegate or grant any permission to the parish priest of Padua. But if there were still any doubt, it vanishes when it is noted from the procedural records that the parish priest of Verona repeatedly refused to assist at the marriage, which, in addition to other witnesses, the father of the bride testifies: "It was the parish priest, who more than once..."

[*Latin ed. p. 779*]

The Roman Rota. 779 "came to my house to tell me that he could not celebrate the marriage, 'because the groom was too young.'" It is truly scandalous to presume that the parish priest intended to delegate to others what he, obeying the laws, refused to perform himself. However, it is certain, from the attentive declaration of the same parish priest, who, under oath, asserted that he was never of that mind, to grant any delegation: "I wrote those very words 'no objection'; but the meaning of all this was: 'Do what you think you can do, and I will absolve myself of all responsibility, and 'claim nothing of my competence.'" Indeed, he added: "My 'words were clear in the sense that I have stated, and if they were 'ambiguous, I declare that I remove the ambiguity, and I assert 'absolutely that I certainly did not intend to delegate.'" Furthermore, it must not be supposed that anyone has said what they did not intend to think (D. Lib. XIX, De leg., I. 7). These are confirmed by the Reverend Brentegani, who, while declaring that the parish priest Masotti is "not capable of betraying the truth and of being corrupted," testifies from the words mentioned above that the aforementioned parish priest, at a time when there was no suspicion, i.e., before the question of the nullity of the marriage was raised, made the same declaration, namely, that he granted no permission. Having duly and diligently considered all of this; We, the undersigned Auditors sitting for the tribunal in Tournon, invoking the name of Christ and having only God before our eyes, declare and pronounce that the sentence of February 23, 1910, is to be confirmed, recognizing the legitimacy of the daughter, as declared in the aforementioned sentence. Thus we pronounce, and while condemning Eugene Balzan to pay the judicial expenses, we order the Ordinaries of the places and the officials of justice, to and against whom this applies, to proceed to the execution of this sentence, in accordance with the norms of this tribunal, the sacred Canons, and especially chapter 3, session XXV, De Reform., of the Council of Trent, using the executive and coercive means that may prove more effective and appropriate for the circumstances. Rome, August 6, 1910. William L. Eg. Saint Francis Heiner.

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Anthony Sac. Tancredes Tani, Notary. Sebastianelli, Clerk. Perathoner.

[*Latin ed. p. 780*]

780 Acta Apostolicae Sedis. - Official Commentary. DIARY OF THE ROMAN CURIA. SACRED CONGREGATION. OFFICIAL NOTICE OF COMPETITION. The competition in the Sacred Congregation, announced for the 15th of next October, is instead set for the 13th. SECRETARY OF STATE. By a letter from the Secretary of State, His Holiness, Pope Pius X, has graciously deigned to appoint: April 29, 1910. — Monsignor Vincenzo Misuraca, Secretary of Nunciature of the second class, assigning him to serve at the Apostolic Delegation of the Philippine Islands. September 11, 1910. — Monsignor Filippo Cortesi, Secretary of Nunciature of the second class, assigning him to serve at the Apostolic Delegation of Colombia. Apostolic Protonotaries ad instar: May 4, 1910. — The Reverend Father Giovanni Battista Enrico Vittore Milette, pastor of St. Louis Gonzaga in Nashua (diocese of Manchester). September 12, 1910. — The Reverend Father Tommaso Agrusti, holding the first dignity in the collegiate church of Mottola (diocese of Castellaneta). Domestic Prelates of His Holiness: May 28, 1910. — The Reverend Father Guglielmo Schenz, rector of the Theological Lyceum of Ratisbon. July 2, 1910. — The Reverend Father Andrea Senbert, of the diocese of Green Bay. — The Reverend Monsignor Enrico Tihen, General Vicar of the diocese of Wichita. — The Reverend Father Bernardo Schmichausen, pastor of St. Mark in Colwich, of the same diocese.

[*Latin ed. p. 781*]

Diarium Romanae Curiae. 781 — The Reverend Monsignor Mose Maguire, parish priest of Saint Mary Virgin in Newton, of the same diocese. — The Reverend Monsignor Stefano Siminiati, dean of the Cathedral Chapter of Lesina. — The Reverend Monsignor Giovanni Fiorentino of Naples. September 9, 1910. — The Reverend Monsignor Carlo Cremonesi, Substitute of the Secretariat of the Holy College. HONORS The Holy Father, with a letter and a Brief from the Secretariat of State, deigned to bestow the following honors: The Grand Cross of the Order of Saint Gregory the Great, civil class: September 15, 1910. — To the Most Noble Count Giberto Borromeo, of Milan. The use of the insignia of the Order of Saint Sylvester the Pope: August 27, 1910. — To the Reverend Professor and Commendator Ernesto Simonson Castelli, painter in Dresden. The Commanderate of the Order of Saint Gregory the Great, civil class: September 7, 1910. — To the Knight Alfredo Danjou de la Garenne, residing in Biarritz (diocese of Bayonne). The Commanderate of the Order of Saint Sylvester the Pope: September 5, 1910. — To the Most Noble Guglielmo van den Pias, industrialist in Woluve-Saint-Pierre, in the archdiocese of Malines. The Knighthood of the Order of Saint Gregory the Great, civil class: August 30, 1910. — To the Most Noble Radolf de Kardoff, formerly attached to

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the Prussian Legation at the Holy See. September 5, 1910. — To the Most Noble Baron Roberto de Viron, residing in Dilbeck near Brussels. — To the Most Noble Giovanni Vittorio Rouveure d'Annonay, of the diocese of Viviers.

[*Latin ed. p. 782*]

782 Acta Apostolicae Sedis. - Commentarium Officiale. BY THE ORDER OF HIS HOLINESS, The Holiness of Our Lord, through a letter from His Excellency, the Reverend Monsignor, the Maggiordomo, has deigned to appoint:

Extraordinary Secret Chamberlains:

September 1, 1910. — Mons. Raffaele Amato, attached to the Apostolic Nunciature of Austria-Hungary.

September 9. — Mons. Camillo Pilloni, of the diocese of Ales-Terralba.

— Mons. Pietro Mameli, of the same diocese.

September 12. — Mons. Filippo Cortesi, who simultaneously submitted his resignation from the position he held as Chaplain of the Papal Chapel.

September 16. — Mons. Enrico Calleja Schembri, of the diocese of Malta.

Honorary Chamberlain in purple vestments:

September 7, 1910. — Mons. Salvatore Bertolasio, parish priest of S. Michele in Pavia.

NECROLOGY

August 21, 1919. — Mr. Paolo Raynaud, Extraordinary Secret Chamberlain of Sword and Cape, of the diocese of Marseille.

September 1910. — Mons. Carlo Marozio, Bishop of Susa.

September 4 — Mons. Lorenzo Petris de Dolammare, titular Bishop of Esbon.

September 10 — Mons. Corrado Busch, Bishop of Spira.

September 29 — Mons. Aquilino Ferreira, titular Bishop of Amiso.

— Mons. Francesco Vento, Bishop of Aversa.

September 30. — Mons. Marcolino del Carmelo Benavente, of the Order of the Preachers, Bishop of S. Giovanni di Cuyo.

[*Latin ed. p. 783*]

Year II. - Volume II. October 25, 1910. No. 20. OFFICIAL COMMENTARY ON THE RULES TO BE OBSERVED IN JUDICIAL PROCEEDINGS BEFORE THE SACRED ROMAN ROTAE TRIBUNAL, APPROVED AND CONFIRMED BY POPE PIUS X. By the Constitution "Sapienti Consilio," the Sacred Rota Tribunal was restored to activity according to its own Law. This granted the Sacred Tribunal a certain order and authority, and it established judicial norms for proceedings, but only supreme and general ones, which to some extent modified the old style or customary procedures of the

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Sacred Rota. Therefore, the Most Reverend Fathers, diligently exercising their authority, were compelled to establish uniform and constant rules that would govern individual judicial acts. To this end, the same Most Reverend Fathers frequently held meetings, and, after deliberation, they established the rules to be observed in judicial proceedings before the Sacred Rota. These, having been presented to the Most Holy Fathers on September 7, 1909, were approved for trial. Now, again by the Most Holy Fathers in a hearing on August 2, 1910, after certain additions were approved, they were confirmed, and the Same Holiness ordered that they be observed in the Sacred Rota Tribunal according to law; therefore, it was commanded that these be published and promulgated in the Official Commentary of the Holy See, according to the prescription of the Constitution "Promulgandi," of September 29, 1909. Rome, August 4, 1910. M. Lega, Dean. ACTA, Volume H, No. 20. - October 25, 1910.

[*Latin ed. p. 784*]

784 Acta Apostolicae Sedis. - Official Commentary. TITLE I. Concerning the introduction of a case before the Pontiff, concerning citation and the harmonization of doubts. § 1. Every case to be heard before the Sacred Roman Rota is assigned to an Auditor of the Pontiff, or the presiding officer on duty, to whom it pertains to perform certain judicial acts, as will be explained below.

§ 2. 1. The acts and documents of a case, even those introduced by parties having an interest, or by dicasteries submitting or assigning them, are to be transmitted directly to the protocol of the Sacred Roman Rota, rather than to the Pontiff (proprietary law, canon 19).

2. All judicial acts in cases pending before the Sacred Rota must be recorded on rotal paper bearing the seal or the seal of the Apostolic See, with the inscription of the Holy Tribunal, except for the initial petition and also except for writings printed or otherwise published for the purpose of defense, concerning which see canons 25 and 26 (proprietary law).

3. In cases in which, according to chapter IV, Appendix (proprietary law), the right of exemption from judicial expenses and free legal assistance has been granted, rotal paper bearing the seal is not used for recording judicial acts, nevertheless, adhering firmly to §§ 207, no. 4 and 218.

§ 3. 1. The official responsible for preparing the records will demand a fee, as stated in Appendix Concerning the Assessment of Expenses, chapter I, no. 3 (proprietary law), explaining that the acts and documents must be presented to him collected in a bundle, provided with a proper index, and clearly distinguished by numbers. On the bundle, the following shall be indicated:

1. The title of the case or the name of the Pontiff and the diocese to which the case pertains, and its object or subject matter;

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2. The names and surnames of the parties, as well as the names of their advocates, if any.

§ 4. 1. The aforementioned official will ensure that the advocate or attorney has a valid mandate to litigate.

[*Latin ed. p. 785*]

Rules to be observed in judgments before the Sacred Roman Rota, 785, 2. The general rule is that, unless some difficulty arises, it must be required that a mandate has been expressly granted for the matter to be resolved before the Sacred Rota. § 5. When the Official, having brought the documents pertaining to the case and arranged them properly in the designated books in the archive, deems that they pertain to the Sacred Rota, he shall proceed accordingly. § 6. 1. After the case has been presented in the archive, and the numbers pertaining to it have been noted in the protocol, the Official shall present the same to the Dean, who, by decree, shall determine the appropriate turn for resolving the case, according to the norm of canons 19 and 12 (Proper Law). 2. The formula of the decree shall be as follows: "R. P. D. N. N. (Name of the President of the turn and the title of the case). N. N., plaintiff or appellant... Against - N. N. or decree or sentence, on the day... of the month... of the year... Having heard the Most Reverend and Most Reverend Fathers N. N. and N. (with the President of the turn), it is decreed." § 7. 1. The formulas presented in these rules have a directive force and are not obligatory; it will be permissible to render them also in the Italian or French language, if the parties lack a lawyer or procurator. 2. Likewise, a violation of the procedural rules established here does not, in itself, invalidate the act, unless this is expressly and specifically decreed. § 8. After the turn has been designated, the Dean sends the case to the Official attached to that turn, to prepare the records; who, after recording the decree, immediately transmits it through the distributing Official to the President of the designated turn, according to canon 19 (Proper Law). § 9. 1. The President of the designated turn, or the senior member (canon 12, § 4), except in the case indicated in § 6 of the same canon 12, "is also the judge or relator of the case" (canon 21). However, "if there is a just reason for declining this office," (canon 21), after consulting the other Auditors of the turn, he may, by a special decree, assign the office of judge to another of them. The formula of this decree shall be as follows:

[*Latin ed. p. 786*]

Acta Apostolicae Sedis. - Official Commentary. 786 "On... of the month... in the year... NN, the undersigned Prefect sends his own Canon 21, concerning the procedure, having heard the Prefect's opinion, NN, which the other Prelates of Tournon accepted; and this is done in accordance with the norms of his own law. (The name of the President of the Tribunal, designated by the Dean) ". 2. If the commission is formed solely for the

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purpose of a vote (canon 19, § 2), all members examine the case and express their opinion, unless otherwise expressly stated in the commission's decree. § 10. 1. If any Auditor is prevented from participating in the Tribunal by infirmity or another just cause, the Prelate Dean shall replace him with another Auditor, in accordance with canon 12, § 5. 2. This replacement may be made either ex officio, or even at the request of one of the parties, and the decree must be notified. § H. 1. The President of the Tribunal or the Dean shall immediately notify the official registry of these decrees, so that they may be recorded in the proceedings. 2. The decrees or resolutions must be kept in the proceedings in their original form, signed by the Prefect or the Dean who issued them. § 12. 1. All proceedings relating to the Prefect, including those which necessarily require the signature of the Prelate, may also be carried out by the Assistant of the Studium, who, except in the case of a contrary provision by the Prefect (canon 3, § 2, own law), represents him in his office. Therefore, in the following articles, whenever mention is made of the Prefect, the Assistant of the Studium is also included, unless expressly or implicitly excluded. 2. The proceedings which always require the Prefect's signature are: the resolution of doubts, the authorization to print a larger number of pages than permitted by law, and the resolutions in which the Prefect admits an appeal to the same Tribunal (§§ 82-95) or to another Tribunal (§ 235). 3. The formula to be used by the Assistant of the Studium in the resolution of doubts shall be as follows: "(With the preceding indication of the name of the Reverend Father Prefect and the title of the case) Obtained and N. N., with the consent of the parties, ordered the following to be discussed by the Studium under the authority of the aforementioned Prefect, regarding the doubt... and designated the day...". The proceedings are signed by the parties, and then the Assistant of the Studium presents them to the Prefect for his signature, unless he has the authority to sign himself.

[*Latin ed. p. 787*]

787. Rules to be observed in judgments before the Sacred Roman Rota. When a doubt arises, the Assistant to the studies shall add to the document, by order of the Most Reverend Prelate. Regarding the modification of agreed-upon doubts, the following shall be observed as stated in § 33. 4. Certain acts, such as the assessment of expenses incurred in the preparation of expert opinions or in the presentation of witnesses, shall be estimated according to what is prescribed by the specific law (Appendix, chapter I, no. 6), or the assessment of expenses or fees that must take place between the parties in dispute, and between the parties and their advocates and procurators in the execution of the sentence, are understood to be assigned to the Assistant to the studies, who is obligated to attend to these matters, unless the Most Reverend Prelate or Tournus expressly reserves such a matter for himself. 5. The Assistant to the studies, when affixing his sig-

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nature to decrees, shall always add, after his own name, his title, using the customary formula, which, for decrees written in the Latin language, shall be: "Assistant to the studies." § 13. 1. A delegation, either directly from the Prelate Auditor, or by him ordering it, made to the Assistant to the studies of another Prelate, has the effect of rendering the act performed by the delegated Assistant valid and legal; but this should not be done except out of grave necessity. 2. The delegation must be presented in writing and preserved in the records. 3. Notice shall be given to the parties with an interest, before the act is completed, in which mention will be made of the delegation that has taken place. § 14. 1. The Most Reverend Prelate, if any document or knowledge of a fact is lacking in the records, shall inquire about the presentation of the document or the knowledge of the fact, either before or after the agreement on the doubts. 2. This can be done in various ways, depending on the circumstances, as follows: a) either by summoning the party or his procurator or advocate, to provide appropriate explanations, or to present the requested documents, and for this purpose, a decree is issued: "The orator, advocate, or procurator shall be summoned for a hearing on..." ; b) or, in writing, at the end of the record, or by inserting a page in the record, the reason for this summons is explained, and this must be communicated by the official, so that in the latter case, after the formula "The summons is for...", the words "according to the intention expressed within the page" are added. 3. The order of summons to inform the party or his procurator must be issued either directly by the Most Reverend Prelate, or by the attached official.

[*Latin ed. p. 788*]

Acta Apostolicae Sedis. - Official Commentary. 788. Concerning the preparation of documents, those who are notified by the Prefect, either directly or through a representative, must provide a portion or a representative. 4. When a party is neither present in the Court nor has a representative, then the execution of the mandate is sought from the diocesan Curias or from another Office; this is done through a letter or decree, for which the Prefect provides the formula, in which (after a preliminary indication of the date), in the first instance, it is written: "To the Bishop, and in the second case: "To the Archbishop... etc." To the Archbishop (or decree according to this) in the minor case"; then, it is notified to the Bishop... 5. Requested explanations or clarifications of doubts must not serve to renew oral information, which the law itself, canon 30, prohibits, but simply to complete the records and to obtain documents, which will be the basis for the oral testimonies, so that a definitive defense can be completed in writing, and so that a judgment can be given orally or in Tournon, or in a plenary session, according to § 67 and following. 1. The official, as soon as possible, shall submit the document to the Notary, who is responsible for transcribing a copy of the letter or

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decree to be sent to the Curias or to a specific Office, and this, after being signed by the Prefect, will be sent, bearing the signature of the Notary, as well as the seal of the Tribunal. 2. If a copy of the transcript must be sent to the party concerned or to their representative for notification, only the signature of the Notary and the seal of the Tribunal are required, for the sake of the authenticity of the copy. § 16. After the cause has been introduced as described in the preceding § 5, the more diligent party prepares a citation, by which the opposing party is summoned to appear in court for the settlement of doubts, according to canon 23, § 1 (of the law itself). Example: In Rome - Regarding the Auxiliary. To the Most Reverend and Most Reverend Lord. On the ... day of the month of ... in the year ... It is requested that N. N., residing in ... (or residing in) ..., be cited (or be cited) to appear, either in person, or through a legitimately appointed representative (the words "either in person, or through a legitimately appointed representative" are omitted if the party is to appear before the Most Reverend and Most Reverend Lord...), or through a legitimately appointed representative of the Promoter of Justice or the Defender of the Bond) before the Prefect, or his assistant, in the offices... (or in).

[*Latin ed. p. 789*]

Rules to be observed in judgments before the Sacred Roman Rota Tribunal (sede tribunalis S. Romanae Rotae), on the day and hour... determined, 789, for the purpose of resolving a doubt through discussion (or through discussions), or, if that is not possible, for the purpose of reviewing the following document and signing it (or signing the following document); and also to determine the day on which the rota meeting will be held for the consideration of the case in question, and on the aforementioned matters, a decree shall be made. In the matter of N. N., for whom the procurator... The doubt (or doubts)... ». § 17. The presiding judge, or his assistant, must ensure that the acts of citation and all copies are written on sealed paper, in accordance with 'S % n. 2 and 3. § 18. 1. The presiding judge, or his assistant, if a legitimate mandate of procuration exists, regarding the petition of the defendant, presented by the procurator or by the defendant himself, shall determine the time and place of appearance, with the following decree: « On... day of the month... year... N. N. is summoned (or are summoned) to appear, either in person or through a procurator, at... hour, on... day, of the month... in the... (or at the seat of the tribunal), for the purpose stated in the petition. N. N., presiding judge ». 2. If the defendant requests it, and the presiding judge deems it expedient, the decree of citation may be written in the Italian language, or even in the French language. 3. The presiding judge, according to his prudent judgment, shall assign the deadline for the appearance. § 19. 1. The original text of the citation is kept in the records, and only the opposing party is given a copy of the decree of citation, prepared by the Notary, using the following formula: « R. P. D. N.

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N. On... day of the month... year... N. N. is summoned... to appear, either in person or through a procurator, at... hour, on... day, of the month... in the... (or at the seat of the tribunal), for the purpose stated in the petition, etc. » - referring to the text of the petition accepted by the presiding judge in the act of citation, and the doubts and the names of the parties involved, with the exception of the clause: and on these matters, a decree shall be made. 2. Then, as many copies of the decree of citation are made as there are persons to be summoned. All of these are signed by the Tribunal Notary. In the original text, at the bottom, the number of copies delivered shall be noted.

[*Latin ed. p. 790*]

Acta Apostolicae Sedis. - Official Commentary. 790 § 20. 1. When a Bishop, or a Cardinal, is to be cited, a decree will be drawn up in the form of a letter, according to the following formula, signed by the Prolocutor and the Notary: "The Prolocutor, I, the undersigned..., make it known to the Most Reverend [Name of Bishop or Cardinal] that the Roman Sacred Rota has ordered that Your Eminence, or Your Lordship, be summoned (or summoned again, if it is a second citation) before the undersigned tribunal to discuss a certain matter. I hereby inform you of this, the Prolocutor. Therefore, I have issued a decree to the effect that, unless you are excused for a legitimate reason, you must appear, either in person or through your representative, before the undersigned on [date] at [time] in the [place] or at the seat of the tribunal, to discuss the aforementioned matter. While I present this to Your Eminence, I remain your humble servant..." 2. "If to you all good and happy things are wished by God... I pray that you add: 'such letters shall be given with the following formula after the words 'to this effect' - which, for the purpose of this present instance, are changed or are to be given to the Most Reverend Cardinal - so that Your Eminence may, through your representative, respond in writing to the summons... While I present this to Your Eminence, I kiss the purple and remain..." 3. Therefore, after the customary decree "Let him be cited...", the following shall be added: "To the Bishop, or to the Cardinal, the decree shall be notified in the customary form." § 21. If the object of the citation is to be changed, only that part of the citation formula that refers to "the examination of witnesses, the selection of experts to be heard, the calculation of costs, the issuance of a mandate against the cited party, according to the rescript of the Holy Order, the opening of proceedings, the assessment of costs, the performance of functions, and the issuance of the order of the court" shall be changed. Thus it will be said: "...it is ordered to assess the costs, it is ordered for the same purpose, it is ordered to assess the costs for the diocese, N., for further expenses... in the execution process... or for the expert, after the proceedings have been completed, to examine and declare, for the sum, it is ordered to assess

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the costs incurred in the penalties, in the precepts (or in the Apostolic Constitution), etc...." § 22. The hearing of the Prolocutor, in which the Prolocutor or his assistant from the studies, will take care to explain all judicial acts, will take place on designated days, twice a week. The Notary, attached to the tabularium, will make the matter known by affixing a special notice in the court's chancery.

[*Latin ed. p. 791*]

Rules to be observed in judgments before the Sacred Roman Rota Tribunal. 791 § 23. Hearings scheduled for Tournon shall be held regularly twice in each month, namely in the first and second half of each month. The presiding judge shall take this into account when determining, as is customary, the date of the hearing for Tournon, as stated in canon 24, §§ 2 and 3 (Specific Law). § 24. 1. If the party to be summoned has his domicile in Rome, or is represented by a procurator, the summons is transmitted by the hand of the usher. 2. To the usher, for the presentation of any summons, notification of proceedings, or communication to be made, either to the person himself or to another on his behalf at his place of residence, half a *libella* in Italian currency is due. However, when these proceedings are announced ex officio, either by the Tribunal, or by the Promoter of Justice, or by the Defender of the Bond, this fee is ordinarily not due; nevertheless, the presiding judge may order that the fee be charged from the sum already deposited by the party in whose favor the aforementioned proceedings have been decreed, reserving the right to recover the same fee when a final accounting of judicial expenses is made. 3. Whenever the party summoned to court does not have his own procurator, nor does he reside in the City; and it is not easy or convenient to send the Tribunal's messenger to the place of his residence, the summons is sent by the office of the bailiffs to the Curia by the Official Distributor, so that he may transmit it to the party concerned, observing the necessary formalities. A letter of transmittal must be attached, and proof of the dispatch made must be preserved in the records: this must be observed whether the letter is sent ex officio or at the request of the party. - However, the presiding judge may, at his discretion, permit or order that the letter be sent not through the Curia, but directly by the Official Distributor to the party concerned by the public office of the bailiffs, provided that it is recorded in the records that the delivery has been made; and this is achieved through a form which testifies that the delivery has been made, which is called in Italian: *ricevuta di ritorno*. 4. When the place of residence of the party concerned is unknown, the summons is issued by public notice, and the decree of summons may be inserted in the Official Commentary of the Holy See, without excluding other methods which may serve to obtain a safer and more effective result. § 25. 1. When a summons or any other act is to be notified by the usher, or by the messenger,

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this must be done not only on the original text, but also

[*Latin ed. p. 792*]

Acta Apostolicae Sedis. - Commentarium Officiale. 792, super exemplari, notabit diem, nomen personae, cui remiserit exemplar, eiusque domicilium, nec non apponet suam subscriptionem. Super textu autem autographo ita scribetur: « (Data...) Io sottoscritto Cursore ho notificato copia simile al presente originale al Signor NN. domiciliato in Roma Via... consegnandola nelle mani di NN., consegna dell'atto. NN. cursore del domestico, tribunale che s'incaricò della della S. R. Rota ». 2. Super exemplari, aut exemplaribus, cursor eamdem faciet relationem, excepta sequenti variatione: « Ho notificata la presente copia conforme al suo originale, etc. ». § 26. 1. Elapso citationis termino, quodcumque sit eius obiectum, ut in § 21, si citatus, qui non repraesentatur a procuratore vel advocato, non compareat, neque iustam adducat suae absentiae causam, pars adversa potest illius contumaciam accusare, dummodo locum habuerit secunda citatio, aut intimatio, sicut in sequenti paragrapho. 2. Ponens, pro suo prudenti arbitrio, potestatem habet: a) vel secundam citationem edendi, addita comminatione, quod si citatus non compareat, iudicium continuabitur, declarata contumacia; b) vel intimationem seu notificationem faciendi, ut in § 30, n. 1. c) Notificatio vero vel intimatio fit praefigendo terminum, quo perdurante, expectatur an forte pars validas adducat rationes, ut oppositum faciat actui iam expleto et purget suam contumaciam (can. 24, Lex propria). 3. Cavendum erit, ne nimis longa dilatio concedatur in prima citatione transmissa parti non repraesentatae, quum magis expediat terminum in altera protrahere, in qua comminatio exprimetur, ad ulteriora, elapso termino, procedendi, declarata contumacia. 4. Secundae citationis formula eadem erit ac prima. Dumtaxat post verba « NN. instat ut citetur », addatur: « pro secunda vice », et in P o nentis decreto ad calcem, post alia: « in aedibus (vel sede) » addatur: « cum declaratione quod si non obstante secunda citatione, pars non compareat, dubiorum formula ex officio statuetur, et iudicium in macia continuabitur eius contu- ». 5. Si vero agatur de Episcopo vel de Emo Cardinali, haec imitantur in formula litterarum: secunda citatione Amp. compareat ad « cum declaratione quod si Tua vel Eminentia normam primae citationis tuetur et iudicium, in eius absentia Tua dubiorum neque non obstante hac respondeat neque formula ex officio statuetur, et iudicium in macia continuabitur ». 6. Effectus declaratae absentiae, hoc in casu, est ut praeventus cen-

[*Latin ed. p. 793*]

Rules to be observed in judgments before the Sacred Roman Rota Tribunal. 793 has renounced his right and submitted to the justice of this sacred tribunal. Nevertheless, the formula of the doubtful points will be

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notified to him. 7. If, after the second citation, the party does not appear, the Judge, considering the accusation of the party who appeared, will declare him contumacious, will propose the formulas of the doubtful points, and will determine the day of the Rota's hearing. Contumacy can also be declared ex officio. § 27. Whenever it does not seem opportune to the Judge to grant a second citation, the general rule is followed, namely that in judicial proceedings completed in the absence of a party, when that party has not previously been declared contumacious, the relative decree will always be accompanied by the clause: "in absentia partis et notificetur, vel cum intimatione"; therefore, the party is given notice of the same act, so that, if the circumstances permit, he may be able to challenge it within the proper time. § 28. 1. If the procurator, duly appointed by the plaintiff or the defendant, is cited and does not appear, he will not be given a second citation, but rather an intimation of the act or a notification, with a reasonable time assigned for him to appear or to respond; after which, if he fails to do so, he will be declared contumacious. 2. Against a contumacious procurator, proceedings will be conducted in the same manner as against the contumacious party itself, according to § [following sections]. 3. Against a procurator who, through negligence or fraud, for whatever reason, has seriously harmed his client by failing to fulfill his obligations, disciplinary measures may be applied, according to canon 46 (Lex propria). In such cases, care must be taken to ensure that the unprotected party does not remain without representation in the judgment, and, if the circumstances warrant, the Promoter of Justice should be called in, according to § 97. § 29. 1. Once contumacy has been declared, such a decree is announced by the clerk either to the person himself or to another in his place of residence, according to § 25. Thereafter, any acts, sentences, or decrees, pronounced during the period of litigation in the absence of the party, are considered as if they were issued in contradiction; and although the cited party does not appear in subsequent hearings, no other act or decision will be intimated or notified to him, as he is contumacious, except for the decree of conciliation of the doubtful points, which must always be notified. 2. Likewise, any petition, or counterclaim, will be notified.

[*Latin ed. p. 794*]

Acta Apostolicae Sedis. - Official Commentary. 794 meanings in the first citation, with a suitable term prefixed to respond. 3. If the defendant, during the trial, appears, he must accept the cause in the status and terms in which it is found, except in the case where, after a trial for incidental contempt, he may be acquitted therefrom. § 30. 1. The formula which follows the decree with notification is simple and constant, because through it is given notice of the act completed or to be completed: "It is notified to the honorable N. N. that the process has been served upon the procurator for the case of N. N. in Aversa... or that the following will proceed to the

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examination of witnesses...". The words are: "On the day... in the present session, N. N. on the part against, by decree notified: 'Notify N. N. that on such a day, etc.' and follows the entire text of the decree. If, however, it is a matter of notifying a petition presented, then the same brief notifies the judge to the opposing party. Yesterday, a summary and indication were given, stating that it had been decided. - Both the decree, whether of notification or of notification, shall be drawn up on a full sheet of paper, signed by the Notary, and sealed with the seal of the court. 2. Formula No. 6 is the accusation of contempt: "On the day... at the appointed hour of the day... or in violation of § 26 of the month... year... N. N.... appeared... and, after waiting for the month... year... and half an hour immediately following, having attended... the citation... and notification, he was accused, and it was requested that he be declared contumacious, or that, notwithstanding his absence, the said party be declared contumacious, or N. N.... and, for... or for the absence, proceed to further...". The presiding judge issues the decree: - "The Lord has obtained and ordered that the paragraph be proceeded with to the further steps." - and he will notify the contumacious party of this decree, adding to the declaration of contempt, and it shall be notified; therefore, the Notary, the writer, notifies the decree according to the customary formula. 3. Having declared contempt or absence, the formula of the decree, by which the proceedings are advanced to the contestation of the doubts, will be as follows: "Having considered the single (or double) citation of N. N. served on the days of... month... year... with the notification that if he did not appear, nevertheless, in his absence, the day of the hearing would be fixed, having considered the doubts of the accusation and the reason for the contempt or absence, made on the day... month... year, the following was ordered to be proposed the cause under the day... present only one party N. N. and his procurator N. N. and it shall be notified." 4. When a formal decree of declaration of contempt, or absence, has not been issued, this may be inserted in the decree, by which they agree.

[*Latin ed. p. 795*]

Rules to be observed in judgments before the Sacred Roman Rota Tribunal. 795. A doubt, or another judicial act, is presented or instituted with the addition that, after a single or double citation or notification, contumacy or absence is declared. Then the presiding judge, etc... However, care must be taken to ensure that the prescribed notification is not lacking. 5. By referring the appropriate matter to the appropriate section, this process must be followed, and similar formulas, drawn from the subject matter, must be used in the various incidents that may accompany the development of the case, and which must not be separated from the complete and faithful adversarial process. § 31. 1. On the day when the more diligent party appears to agree upon or propose doubts, the presiding judge,

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after the aforementioned agreement has been completed, will determine the amount of money and by whom it is to be paid, as a judicial deposit for judicial expenses (Appendix - Proper Law, Chapter I, n. 7); and also for a guarantee for the execution of decrees, or for the enforcement of a res judicata, if the presiding judge deems it appropriate. 2. The depositor shall be given a written receipt for the amount of the deposit, of which either a copy made by the Notary, or the original itself, shall be kept in the records. 3. The decree prescribing the deposit shall be written in the very act of contesting and agreeing upon the doubts. In order to proceed to the execution of the deposit, the presiding judge shall place in the file of documents, which is to be immediately transmitted to the official attached to the tables, the following decree: "The act of agreement on the doubts shall be joined to the file of documents, and the deposit shall be processed or the case shall be proceeded with for the amount, as stated in the decree." 4. When it is appropriate, in matters subject to secrecy, the presiding judge or the instructing judge shall issue the appropriate decree, stating: "The case shall be conducted in secret" - or - "Party No. N. and his lawyer shall swear to maintain secrecy," and this according to a formula to be prescribed by the presiding judge or the instructing judge. § 32. 1. If the parties appear and agree on the wording of the doubts and the date of the hearing, without the presiding judge objecting, the following decree is issued: "(Indicating the title of the case and the date) It has been obtained (that is, the party has obtained what it requested); and it is written... and it is decreed in the presence of these parties, or 2. The presiding judge has not ordered the parties to dispute the doubt on the date N. N., with the other party present, or with their lawyers... - N. N. The presiding judge." If the parties agree, the presiding judge, and not his assistant, may nevertheless, ex officio, propose the wording of the doubts.

[*Latin ed. p. 796*]

Acta Apostolicae Sedis. - Official Commentary. 796 matters which must be debated, and the decree is written as follows: "It is decided that, even if the parties do not agree, or if one of them, by virtue of his office, does not consent to the formulation of the questions, the matter shall be debated before the assembled members..." 3. If the parties do not agree on the formulation of the questions or on the date of the hearing, or if the Proponent of the questions does not accept the proposed questions and does not proceed, by virtue of his office, to agree on the questions, the matter is referred to Tournon, and this applies even in the case where the parties introduce an appeal from a question agreed upon by virtue of office, concerning which an incidental question is raised, as per canon 24 (Proper Law). However, in such a case, a special procedure is required, which must also be observed in the decision of other incidental matters, and this will be given a specific rule in the following Title III. 4. The act of agreement

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on the questions is signed by the parties and by the Proponent, according to § 12, n. 3. § 33. 1. Once the questions have been agreed upon, either by the Proponent or by Tournon, the formulation of the questions cannot be changed, except by a decree of the Proponent or Tournon, as either of them may deem it necessary. 2. The change of the questions may occur either at the request of one of the parties or of the Promoter of Justice, or of the Defender of the Bond, after hearing the opposing party, or by virtue of office by the Proponent or Tournon, when an incidental question is raised and the parties are summoned. This must also be observed in the case where the Proponent or Tournon, by virtue of office, has determined the formulation of the questions, even if the parties disagree (canon 24, Proper Law). 3. Conversely, the date of the hearing for the decision can be changed by virtue of office, without a prior request from one of the parties, and notwithstanding their opposition, according to § 66. § 34. 1. The Proponent will ensure that all due care and diligence are taken by the parties to agree on the questions in the hearing, so that they are not referred to Tournon; for it is easier for the Proponent to achieve agreement than for Tournon. 2. If the necessary documents are lacking for the agreement on the questions, the Proponent may, even by virtue of office, grant a postponement, so that the formulation may be determined with full knowledge of the case. 3. It is within the power of the Proponent to postpone the determination of the date for the discussion of the case, if, due to the complexities of the controversy, a probable and certain date cannot be assigned. § 35. 1. In an appeal from a final sentence to another Tournon, the following formula will be used: "Whether the final sentence should be confirmed, or quashed in this case."

[*Latin ed. p. 797*]

Rules to be observed in judgments before the Sacred Roman Rota Tribunal. 797. If a petition is made for the Rota to revoke an incidental judgment, the following formula shall be used: "Whether it is proper to adhere to, or to depart from, the decisions in this case." 2. If the appeal is made from the judgment of another tribunal, the formula "Whether the judgment should be confirmed or annulled" is not used, but the very merit of the appealed question is brought forward, for example: "Whether the law of patronage is established in this case." In this case, it must be carefully noted that the limits of the doubt concerning the appealed judgment are not exceeded, otherwise the Sacred Rota Tribunal would no longer be competent, according to canon 14-17 (Proper Law). 3. If, however, the judgment of the tribunal is impugned, the formula for the lower court due to nullity shall be: "Whether there is a nullity in the judgment in this case." § 36. If, in the execution of these proceedings after the settlement of doubts, one party is not contumacious, but merely absent, then that party is notified with the following formula: "B. P. B. NN. (Indication of the title of the cause

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and the day). NN is hereby notified by NN, the opposing principal, or his procurator NN, that a hearing will be held to decree... or to allow contradiction, the Lord in the first instance... and therefore, he is cited to the extent that, etc... otherwise, etc... In the presence of NN, principal, or... Notary." § 37. 1. If, before or after the settlement of doubts, the cause is not properly presented, so that it is necessary to obtain new evidence, either through witnesses, or through oaths, or through expert testimony, or through questions to be put to the parties, or through any other means, the duty of the Instructor of the cause, assigned by the Prelate Dean, is entrusted to another Auditor of the Rota, while the already designated Judge remains in place, according to canon 22 § 2 (Proper Law) and according to §§ 101 and following. 2. The decree of the Lord Dean, by which the Instructor is appointed, and the procedure is prescribed, can be challenged by the Judge, either ex officio or at the request of the parties, or in the execution of a commission's rescript. § 38. 1. If, from the acts of the judicial proceeding, and especially from the discussion that the parties had to settle the doubts, the Judge perceives that it is neither difficult nor fruitless to attempt a settlement between the parties, he should advise them accordingly, paving the way for a settlement. This, however, can only be decided by the Rota to which the matter is referred by the Judge.

[*Latin ed. p. 798*]

798 Acta Apostolicae Sedis. - Official Commentary. If Tournus proposes a concordat, or accepts a proposed concordat, a decree is made: "It pleases us regarding the concordat, and to the Most Holy Pontiff, according to our intention." The "intention" signifies that the conditions to be observed in entering into the concordat are to be presented to the Pontiff; and these same conditions, unless Tournus determines that they are to remain secret, must be made known to the parties concerned. 3. The powers of Tournus or the Pontiff in this matter are either those conferred upon them by common law, or by special law concerning alienations or transactions. § 39. 1. In criminal cases, and in those which, by their very nature, concern public order and good, the court of first instance, with regard to the strict judicial procedure, cannot be represented by a procurator or advocate of its own choosing, but public order and good are defended by the Promotor Iustitiae before the tribunal of the Holy Rota. 2. If a judgment of a second or subsequent instance is instituted by the Promotor Iustitiae of the Curia (who is commonly called the fiscal), this will be continued by the Promotor Iustitiae of the Holy Rota, who urges the Pontiff to summon the appealing party, and, if necessary, requests that the Pontiff, considering the merits of the case, obtain further information or elucidations from the Promotor or from the fiscal of the Curia. § 40. 1. Considering the nature of popular actions instituted for the public good, when such cases are being considered, a procurator may be constituted who, before the Holy Rota,

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represents either a parish, or a diocesan board, or, in general, the interests of legal entities or public administrations, or any legal person society, or any faithful person who proposes to defend the public good by virtue of said action. 2. Concerning the legitimacy or admission of such a Procurator, the Pontiff decides and judges in each case, also taking into account, if necessary, the opinion of the Promotor Iustitiae. 3. This procurator may present documents and allegations according to the common rules; but his arguments and observations must be presented to the Promotor Iustitiae (if the case is not criminal) before the established time for the exchange of defenses, as prescribed in § 46. The Promotor Iustitiae, if he judges these arguments to be sufficient for the defense of justice, may adhere to them, declaring that he has nothing further to add. 4. When it is a question either of resolving doubtful matters, or of settling any incident, the Promotor Iustitiae, before the Pontiff, summons this procurator, just as he summons others.

[*Latin ed. p. 799*]

Rules to be observed in judgments before the Sacred Roman Rota Tribunal. § 41. 1. In criminal cases, in which, the Promoter of Justice prosecuting, it is intended to apply ecclesiastical penalties against the guilty, a private accuser or his advocate may be admitted, who, by the force of the canonical action of popular denunciation, acts as adhering to the Promoter of Justice in order to safeguard the spiritual good of the faithful, and to facilitate the investigation of the truth and the administration of justice. 2. In these cases, the Promoter of Justice does not enjoy the privilege of preceding the defenses of the opposing party, as is cautioned in § 47; therefore, he is obliged to present his written arguments, even before the opposing party has made them known to him. § 42. It belongs to the Promoter of Justice to attend the cases whenever the nature of his office requires it, or when he is summoned to attend by the presiding judge or by Tournon, either ex officio or at the request of a party. TITLE II: Concerning the presentation of documents and defenses, and the oral discussion. § 43. Sentences, decrees, and acts to be discussed in a judgment before the Sacred Roman Rota Tribunal must be presented to the official attached to the tables, ten days before the reconciliation of doubts, according to canon 25, § 1 (Proper Law). § 44. Regarding the documents that a party intends to present in support of their defense and to verify their allegations, which are contained in the published defenses, about which we will speak in the following section, certain rules must be observed regarding the deadline, a) As for the deadline, place, and form of presentation, it is necessary that the documents be presented at least thirty days before the discussion of the case. b) As for the place, it is necessary that they be deposited in the office of the protocol, so that they may be examined there by the parties, one by one, by the Auditors, by the Promoter, and by the Defender of the Bond

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ACTA, vol. II, n. 20, and also by their lawyers; since it is not permitted for justice and legality, according to canon 25, § 2 (Proper Law).

[*Latin ed. p. 800*]

Acta Apostolicae Sedis. - Commentarium Officiale. 800. Tamen, Ponens aut *turnus* exigere possunt, ut dicta documenta sint typis edita, in summarium relata. c) Quoad *formam*, necesse est, ut documenta exhibeantur in charta rotali bullata, si agatur de actis apud S. Rotam confectis; cetera ordinarie, tantum in forma authentica, in fasciculis colligata, paginis in numeros distributis et adiecto documentorum indice, ut superius dictum est (can. 25, § 3 Lex propria). d) Quaeves documentorum exhibitio subiacet taxae libellae (Appendix cap. I, 3, unius Lex propria). e) Facta exhibitio alteri parti ad instantiam ipsius procuratoris est denuntianda; aliter ex officio. f) Denuntiatio fit per simplices litteras, a Notario subscriptas. Peractae exhibitionis iidem faciat cursor in calce documentorum. § 45. 1. Sub vocabulo « Defensio » de quo in can. 26, § 1, comprehenduntur tam scriptura, quam summarium, quae semper typis edenda sunt, can. 26, § 1, 2. (Lex propria). 2. Summarii documenta debent esse postillis munita et in indicem distributa, relata paginarum numeratione. 3. In fronte scripturae dubia semper referenda sunt. § 46. Defensionis distributio fit: 1. In termino triginta dierum ante causae discussionem. 2. Duplici exemplari singulis iudicibus (triplici iis iudicibus quorum studio addictus sit iuvenis autem exemplari a secretis), nec non Promotori iustitiae et Defensori vinculi in causis, in quibus respective intersunt, et uno exemplari iudicum Adiutoribus a studiis. 3. Unum exemplar transmittetur parti aut partibus interesse habentibus, nec non Notariis et officialibus cancellariae tribunalis addictis. § 47. 1. In causis non criminalibus, Promotori iustitiae defensiones exhibeantur, saltem decem dies, vinculi autem Defensori viginti dies ante terminum statutum pro distributione defensionum. 2. Hi tenentur exhibere in dictis causis suas defensiones et responsiones, ad minus, vigesimo die ante causae discussionem. My defence with them that do examine me is this.

[*Latin ed. p. 801*]

Rules to be observed in judgments before the Sacred Roman Rota Tribunal. 801 § 48. The distribution and exchange of documents takes place in the halls of the tribunal, before the Notary, who, upon the exemplar, in the records to be kept, will attest in the margin, regarding the observance of the aforementioned prescriptions. It pertains to the same [Notary] to transmit exemplars to the Examining Judges, and their Assistants from the studies, as well as to the Promoter of Justice and the Defender of the Bond (if these are involved in the case), which pertain to them. § 49. Responses, within a period of twenty days after the distribution of the defense, and at least ten days before the discussion of the case, shall be presented to the tribunal,

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in the manner indicated above, together with any new documents, if any are to be presented, according to canon 27, § 1 (Proper Law). § 50. 1. If, in response to the statement of one party, especially due to the allegation of new documents, it seems necessary to the other party to present a reply, this shall be permitted by the presiding Judge, even according to canon 27, § 3 (Proper Law), with a peremptory deadline for the presentation of this reply. Just as a reply is permitted, so too, absolutely prohibited are repetitions, and so forth, according to the rules of law; however, care must be taken, lest fraud be concealed in this, by means of continued delays. 2. In any case, even after the final response and the presentation of documents, ten days must elapse before the discussion and the definition of the case, according to the firm prescription of § 55; and the relative decrees shall be notified to the opposing party. § 51. Once the final delay, granted for responses and the presentation of documents, has elapsed, the case is considered closed, and the parties may no longer produce further documents or writings (canon 27, § 2, Proper Law). § 52. 1. However, for a very serious reason, the presiding Judge, by decree, may admit further documents, even after the aforementioned period of instruction has ended, or shortly before the hearing for the decision of the case, provided that the interested party adequately proves that they have discovered these documents only at the last moment (canon 27, § 3, Proper Law).

[*Latin ed. p. 802*]

802 Acta Apostolicae Sedis. - Commentarium Officiale 2. The decree, which permits the admission of this presentation of documents, in accordance with § 50, shall be brought to the attention of the opposing party, to whom a reasonable time shall be granted for a response, under penalty of absolute nullity of the judgment, even if the party to whom notification is given renounces the right of notification (can. 27, § 3, Lex propria). § 53. The following formulas may be used: 1. "(Indication of the day and cause of the title as it appears in the record) NN., as is proven by the aforementioned allegations and testimonies, presents new documents; therefore, he requests that they be admitted only at the last, in accordance with canon 27, n. 3 (Lex propria) (Signature)." 2. In addition to the aforementioned request, which, like any other, must be written out on a sealed sheet of paper, if the judge does not reject it with the words: "Nothing," or "Negative," or "Not to be admitted," he records the admission with the following decree: "(Indication of the cause of the title and the day) The judge, having considered the request of NN. as presented above, and having considered the circumstances from which it is proven that the documents presented together are new, permits these documents to be admitted into the judgment, for a period of... so that the opposing party may respond appropriately regarding them. Therefore, he grants the time of... days, and orders that notification be given... (NN. Judge)." 3. If a request is made to obtain a copy

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of the documents or evidence, the request shall state which documents or evidence require further clarification or proof. 4. The decree is issued by the judge on the same petition, written out on a sealed sheet of paper, and recorded in the records; the notification is made by a copy, transcribed and signed by the Notary, also on a sealed sheet of paper. 5. After the decree is issued, the record is attached to the official protocol and transmitted, along with the inscription: "Attach to the file and notify." § 54. It is the duty of the judge to reject all documents and requests that present only a dilatory or contentious nature, can. 27, § 4 (Lex propria). § 55. 1. The terms established above for the requests of the parties or ex officio, may be extended by the judge; however, the decrees or resolutions issued thereafter must be notified to the parties.

[*Latin ed. p. 803*]

Rules to be observed in judgments before the Holy Roman Rota Tribunal. 803 2. The presiding judge will endeavor to shorten the terms, when he deems it appropriate, considering both the circumstances of the case and its nature; but, without the consent of the parties, he cannot shorten the terms as permitted by our law (canon 28, Proper Law). § 56. 1. The advocate or procurator who wishes to obtain an extension of the term set for the presentation of defenses must, ten days before the aforementioned term, request the presiding judge to postpone the discussion of the case. 2. If, within the established time, he does not obtain an extension, and he does not present his defense, he shall be fined ten livres, to be paid to the treasury of the tribunal, and the decree establishing this fine shall be publicly posted in the designated place, signed by the presiding judge. In the case of a repeated transgression, the fine shall be doubled, and the transgressor may, at the discretion of the presiding judge, be referred to the disciplinary council for due reprimand. 3. The presiding judge may grant a shortening of terms with the consent of both parties; and he may grant an extension, even at the request of one party, after hearing the opposing party. If the latter opposes this for legitimate reasons, and the other party refuses to observe the established terms, the presiding judge may, by decree, determine that the request for an extension is to be rejected, and that the case shall be considered in the absence of the disobedient party, notifying such decree to the party in disobedience, along with the assignment of a reasonable term for them to present their defense. 4. When a party does not have a procurator, the presiding judge will remind that party to observe the assigned terms. § 57. As a rule, the written defenses should not exceed twenty pages of ordinary printed format of a Roman folio; the responses should not exceed ten pages (canon 29, § 1, Proper Law). § 58. 1. The presiding judge, at the request of a party with a legitimate interest, who proves that there is a reason to exceed these limits, shall determine, by decree, the further number of pages that he deems permissible (canon 29,

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§ 2, Proper Law). 2. This decree shall be notified to the other party, who may avail themselves of the same facility within the terms assigned to the other party. 3. The advocate or procurator who exceeds the prescribed or permitted number of pages should know that he is subject to penalties according to canon 46 (Proper Law), and § 80, no. 2.

[*Latin ed. p. 804*]

Acta Apostolicae Sedis. - Official Commentary. 804 § 59. 1. The request, whether by advocate or procurator, must be written in Latin on a sealed scroll, in the following manner: "(Indication of the title of the cause and the date), with due consideration, the undersigned requests that, given the established limit of twenty pages for the cause, it may exceed this limit. N.N.". At the end of the petition, the Prelate will write either granting or denying the request, stating: "It is not permissible," or "Nothing," or granting it with the following wording: "(Indication of the date). It is permitted to extend up to... pages; and this shall be notified to the other party so that they may exercise their right. N.N. Granted." The petition shall then be submitted to the official protocol, so that he may ensure that it is notified to the opposing party. 2. The Prelate may grant permission to exceed the established limit of pages, up to three folios for the defense, and one folio for the responses. A greater concession may be granted only in Tournon. 3. The permission granted shall be noted in the defense document with the following words: "With permission, dated...". The opposing party, which avails itself of the privilege granted to the opposing advocate, shall note: "By virtue of the permission granted to the other party." § 60. Defenses or responses presented ex gratia are in no way admissible. Furthermore, not only will no account be taken of them, but the advocate or procurator who presents and signs them, and who repeats this offense, shall be referred to the disciplinary council, according to the strict prescription of § 80, n. 2. § 61. 1. A copy of both the defense and the response must be presented by the parties, or by their procurators, even if only an assistant or consultant is present (can. 18, § 3), to the Prelate or to the Assistant of Studies, in order to obtain permission to print (can. 29, § 3, Proper Law). 2. For this purpose, the documents presented by advocates and procurators must be submitted at least three days before their distribution, if they concern defenses; at least two days, if they concern responses. 3. This law also includes Summaries. 4. Anyone who violates these prescriptions, even if they are providing legal services free of charge, shall be fined five livres. § 62. 1. Both defenses and responses must always be written in Latin by advocates or procurators. 2. If the parties themselves, even with the assistance of an advocate,

[*Latin ed. p. 805*]

Rules to be observed in judgments before the Sacred Roman Rota Tribunal. They may submit their statements in the Italian or French language.

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- In every case, whether in the defense or in the response, there must always be a single written statement, that is, either from the party or from its advocate, never two, that is, from both (canon 18, §§ 5, 6, Proper Law). § 63. 1. If a question or doubt arises as to whether the documents are faithfully and accurately reproduced in the summaries, or in general, whether the copies are faithfully transcribed, the party concerned shall submit a petition to the Prothonotary, requesting that a comparison be made of these documents. The Prothonotary, having received the petitioner's request for a comparison, shall proceed with the comparison and report on the outcome of the comparison, attesting whether the documents are faithfully reproduced in the summary or not. This comparison may also be required ex officio. The decree ordering the comparison, and the Prothonotary's attestation of the comparison completed, at the request of a party, shall be notified to the other party; if ex officio, to both parties. 2. The decree ordering the comparison shall be as follows: "By order of N.N., a comparison of the documents shall be made by the Prothonotary." Sample attestation: (or "of the originals") "Having compared the documents produced with the copies, I, the undersigned, attest that they are faithful to their originals. N.N., Notary." § 64. Defenses and summaries are submitted to one of the printers approved by the College of the Sacred Roman Rota (canon 29, § 4, Proper Law). § 65. When a party is in contempt, and continues to persist in that contempt, and requests that the hearing be postponed, it has no right to have the opposing pleadings or defense notified to it. However, the memorandum in which the same party requests a postponement, or promotes any other matter that suspends the definition of the cause, for the time being, must be communicated to the other party, so that it may respond, according to the strict prescription of § 29. § 66. 1. Although the day of the hearing for the presentation of the cause may already have been established in the decree of conciliation of doubts, or in another decree of the Prothonotary, it is nevertheless within the power of the Prothonotary to postpone the discussion to another hearing; whether at the request of the parties, or ex officio.

[*Latin ed. p. 806*]

Acta Apostolicae Sedis. - Official Commentary. 806 2. If the parties agree to a postponement, they inform the presiding judge of this matter, who, if he does not object, sets a new hearing, recording in the very document in which the parties manifest their agreement: "He obtained and, with the consent of the parties, determined..." If, however, the parties do not agree, the party requesting the postponement presents a petition to the presiding judge, so that the other party may be summoned to a further hearing, either on a specific day or on another designated day. The presiding judge, if he deems it appropriate, after hearing the other party, may grant the requested postponement, and then issues the following decree: "He obtained

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and determined a hearing for the day..." and it shall be notified." Otherwise, he denies it: "Let him exercise his right on the day of the presentation of the case on its merits, and if the party who insists or who is the reason for this petition insists on the postponement on the day in question, it shall be notified." This is recorded in the memorandum assigned to the presentation of the case. 3. When the decision regarding the requested postponement is deferred to the day of the presentation of the case on its merits, the established deadlines for the distribution of defenses and responses remain in force. 4. The memorandum for the postponement must be distributed at least six days before the presentation of the case, and it must be notified to the opposing party, so that, if he wishes, he may respond, submitting the memorandum of his response at least three days before the presentation of the case. *Sion*; nevertheless, §§67 - No other form of discussion is permitted than the oral presentation of the memorandum in response, according to the following. 5. If, for some unforeseen reason, a request is made shortly before the presentation of the case to postpone the decision on the case, the memorandum for the postponement, presented to the court, must be notified to the other party; otherwise, it is to be considered null and void. § 67. 1. It is forbidden to have an oral presentation, for the purpose of explaining the evidence and documents presented, and for resolving any difficulties, regarding the defenses and allegations already presented; a moderate oral discussion is permitted before the presiding judges and auditors assembled for the hearing. 2. The discussion shall not take the form of an oral argument, but shall be intended to explain a particular point of the issue. § 68. The aforementioned discussion shall take place if either or both parties request it, and the presiding judge deems it appropriate, or if the court, ex officio, orders it to be held (can. 30, *Lex propria*).

[*Latin ed. p. 807*]

807. Rules to be observed in judgments before the Sacred Roman Rota Tribunal. § 69. The time suitable for requesting and granting [an extension] is (canon 30, 1), a period of ten days, or another shorter delay, which runs from the last distribution of responses, until the hearing for the decision is announced. § 70. If the parties discover new documents, or have something of great importance to bring to the judge's attention, this must be done in writing, and not during the debate, unless the debate is solely for illustrating proofs or objections that have already been presented. § 71. 1. It is by no means permitted to publish, in print or in writing, responses or replications concerning those matters which have been debated orally; but if the discussion cannot be sufficiently explained in one session, it will be permissible for the tribunal to establish another session. 2. Likewise, each judge, during the debate, may demand that one or another point of contention be clarified, in order to resolve doubts arising from the discussion. 3. Only by way of exception, if it appears from the discussion that the dispute

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is not yet ripe for a decision, the tribunal may state: "The contending parties, or (if they are writing to declare further, let the advocates or procurators resubmit: they are constituted)." 4. This shall only be done by way of exception; indeed, if the tribunal should not admit an oral discussion, it must not consider a case sufficiently substantiated for a decision. This will be made known to the parties; the form of the rejected petition will be: "oral, but first 'the proofs must be substantiated.'" § 72. 1. The rescript which denies or admits an oral discussion, and which dictates certain rules, if it is issued from Tournon, is drafted and notified by order of the presiding judge. 2. The presiding judge is the moderator of the discussion, ensuring that the established rules are fully observed. 3. In criminal cases, it should be the rule that the accused, or his advocate, may refute the last accusations presented.

[*Latin ed. p. 808*]

Acta 808 Apostolicae Sedis. - Official Commentary. § 73. 1. Generally, the parties themselves are not required to be present at the discussion, but rather the advocates or representatives who defend or assist them. The Promoter of Justice and the Defender of the Bond must attend the discussion of the causes in which they respectively have a part. 2. The Tribunal may invite experts to attend the discussion, in order that they may more fully express their opinion. 3. However, if the case involves a plaintiff or defendant who can usefully and with knowledge of the cause defend their rights, and this especially in criminal matters, the Tribunal may permit such persons, even if they have advocates defending or assisting them, to participate in the discussion. 4. Strangers, or those not included in nos. 1 and 2 of this §, are not permitted to attend the discussion. § 74. 1. The parties who request the discussion shall submit a written petition to the presiding judge, stating "that they request that the presiding judge set a date..." If an oral discussion is granted and the Tribunal approves, it shall be recorded as follows: "On [date], the presiding judge granted and set the date for the discussion on [date], with notification." (Nos. presiding judge). 2. The formula is the same when a discussion is granted at the request of one party, but then the following is added: "and ordered that notification be given." • § 75. 1. At least two days before the discussion, the parties must submit to the Assistant of the presiding judge the outlines of the discussion, briefly stating each point of the issue that the parties wish to illustrate. 2. The Assistant of the presiding judge will communicate the outlines of the issue to the parties, to the Auditors of Tournus, and to the Assistants of the Auditors; also adding the date, time, and place assigned for the discussion, and including any other issues that the Auditors of Tournus may wish to propose, in order that the matter may be more fully explained (can. 30, § 3, Proper Law). 3. The oral discussion may be held on the same day as the presentation of the case, and immediately before the presentation itself, so

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that, after the discussion is concluded, the turn for the decision may be taken immediately. § 76. One of the Notaries of the Tribunal shall attend the discussion, so that, if any party requests it, and the Auditors consent, or if anyone of them requests it, the following may be recorded:

[*Latin ed. p. 809*]

Rules to be observed in judgments before the Sacred Roman Rota Tribunal. 809. When cases are discussed, confessed, or concluded, the Notary shall add a note to the legal record, according to the established procedure (canon 30, 5, *Lex propria*). § 77. 1. In order to maintain order in the discussion and to show due honor to the judges, the Tribunal may punish lawyers and advocates who fail to perform their duties or who do not show proper respect to the Tribunal (canon 30, 6, *Lex propria*). 2. Those who do not show the due respect to the Tribunal may be legally prohibited from speaking further, and may be expelled from the judicial session. 3. Against a lawyer or advocate who commits such acts, the Tribunal may immediately, based on the known facts, issue a decree of temporary suspension, according to the gravity of the case, or may even refer him to the disciplinary board, so that he may be removed from the register of lawyers of the Sacred Rota. § 78. 1. When the distribution of cases takes place, the individual Auditors of the *turno* must be notified of the day set for the hearing of the *turno* for the definition of the case. Whenever a postponement is necessary, the same notification is repeated. If a postponement is prescribed by order of the Tribunal, it shall be noted: "by decree of the Sacred Tribunal." 2. The official attached to the registry shall notify the parties and all those with an interest in the matter of the day assigned for the *turno* of the Rota for the definition of the case, by means of a notice posted in the registry. § 79. 1. The hearing of the *turno* or the college differs from the hearing of the *ponente*, in which only the *ponente* or his auditor reviews the case. 2. The hearing of the *turno* or the college, in which non-judicial matters are presented, or judicial questions, but without doubt, shall retain the old name: Rota memorialium. 3. The acts of the Tribunal, which are not issued to respond to parties who appeal or petition, even if they are provoked by these parties, are called decrees; if they are issued at the request or appeal of the parties, or in response to a petition, they are called rescripts; finally, they are called sentences, whether final or interlocutory, or incidental, if they resolve a definitive or incidental question.

[*Latin ed. p. 810*]

Acta Apostolicae Sedis. - Official Commentary. 810 § 80. 1. For the legitimate execution of judicial acts of any kind, it pertains to each Prelate and Judge to apply coercive rules according to the norm of chapter III, session 25, concerning the reform of the Council of Trent. 2. To encourage observance of this ordinance, "appropriate fines" may be imposed on

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lawyers or procurators who violate these laws, after a public warning is first made in writing. It is unjust to include such fines among the expenses to be reimbursed by clients.

TITLE III. Concerning Incidents.

CHAPTER I. CONCERNING THE PROPOSITION OF INCIDENTAL QUESTIONS.

§ 81. In the judicial process, which is especially conducted before the Pontiff, it can happen that various controversies arise, which constitute the same number of incidental questions.

§ 82. 1. Appeals are permitted against decrees issued by the Pontiff. Therefore, if either or both parties do not agree with the decree or rescript of the Pontiff, or if their opposition prevents its issuance, the question is referred to the tribunal by appeal (canon 24, § 3, Proper Law).

2. The appeal must be filed within ten days (canon 4, § 5, Appendix - Proper Law).

3. It is within the power of the tribunal to decide that, notwithstanding the appeal, the Pontiff's decree be demanded for execution.

§ 83. 1. The aforementioned rules are excepted in the case in which the Pontiff prescribes a provisional execution of the sentence or an inhibition of execution; this decree or rescript, by virtue of canon 20 (Proper Law), is not subject to appeal.

[*Latin ed. p. 811*]

Rules to be observed in judgments before the Sacred Roman Rota Tribunal. 811. Nevertheless, the right of appeal shall be preserved, from which it will be determined whether the judge has exceeded his authority. 2. This decree or rescript must be supported by reasons, both in law and in fact. § 84. The judge shall order provisional execution whenever it is in accordance with common law, and especially when it concerns provisional remedies, guarantees, or judgments concerning possession or other matters relating to maintenance or wages. § 85. 1. It is the duty of the judge, in favor of the litigants, to prescribe such guarantees or sureties as may seem appropriate: a) to preserve the object of the dispute during the appeal process, when provisional execution cannot be granted; b) to protect the party whose interests are at stake in the restitution of things or the full amount of money due, whenever either the judgment has been demanded for provisional execution, or the judgment has been revoked after a prior petition for full restitution, or has been declared null, c) to ensure, as is proper, the execution of the decision, which the tribunal may, according to various actions, issue in judgments concerning possession or other matters relating to maintenance or wages. 2. An easily enforceable guarantee, besides a personal surety capable of paying, is a judicial deposit in favor of the litigant against

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whom provisional execution is ordered, or to whom the same has not been granted. 3. When the judge orders provisional execution, he "orders, taking into account..., that the judgment be demanded in the meantime, but subject to, or before, a guarantee or a legally binding surety being provided by Gaius, in whose favor the judgment obtains execution, so that if the execution should be revoked, Titus... shall restore the property intact or pay the full amount." If, on the contrary, he issues an injunction, "he prohibits the demand of execution of the judgment, although it has become final, taking into account... that a guarantee be provided by him in whose favor the injunction is issued, to pay or provide, when execution is ordered."

[*Latin ed. p. 812*]

812 Acts of the Apostolic See. - Official Commentary. CHAPTER II. OF MATTERS WHICH MAY BE BROUGHT FORWARD EITHER BY MEMORIAL OR BY QUESTIONS. § 86. Matters which, with the prior consent of the presiding judge, are referred to the tribunal either by a decree or a rescript, differ in the manner in which they may be presented, namely: 1° by memorial without questions, 2° or with the presentation of questions. § 87. 1. A matter is presented incidently by memorial, or by a petition, and without questions, when there is discord among the parties regarding the formulation of the questions, and then the presiding judge issues a rescript concerning the petition itself: "On... the request was referred to the tribunal, and it is ordered that it be presented by memorial on the day... and this shall be notified." 2. In the rescript in which it is ordered that a matter be presented by memorial, the day for establishing the norm shall be determined in the Chancery, according to § 48, for the distribution of memorials; the day for the prescription, according to § 66, n. 4. 3. If the presiding judge also allows for a response, he shall determine the day for the distribution of the responses in the rescript, without prejudice to the right to have an oral discussion, according to §§ 67 and following, and the prescription according to § 66, n. 4. 4. Those who do not observe the assigned deadlines shall be fined five livres. § 88. 1. The tribunal responding to the memorial issues a rescript in which the reasons for the decision are stated usefully, but not necessarily, or not for the sake of validity, and which is not appealable. 2. The parties may not request that a matter presented by memorial, and decided by rescript in the tribunal, be presented again by questions. § 89. Matters of lesser importance, namely those in which, generally, the solution, rather than depending on a response to a question of fact or law, depends on equity and the prudence of the judges, such as questions.

[*Latin ed. p. 813*]

Rules to be observed in judgments before the Sacred Roman Rota. 813. Matters of agreement, designation of the day for the hearing, granting of

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delays, the selection of experts in cases of disagreement between the parties, and the determination of the formula for the oath to be administered by the parties to prove a certain fact, and other similar matters, according to the just estimation of the presiding judge, are proposed in Tournon, without doubt, through a written submission, along with the formula of the aforementioned decree. § 90. 1. The Rota responds to questions proposed along with matters of doubt through decisions, in which the reasons for deciding are presented, both in fact and in law, as is done in final judgments. 2. These decisions are called interlocutory judgments. § 91. 1. If either party or both parties object to the question being proposed through a written submission and without doubt, the presiding judge, who has decreed that the proposal be made through a written submission, and who does not intend to retract from his decree despite the objections of the parties, writes: "Let him [or let them] use his [or their] right to submit a written submission in Tournon on...". 2. By virtue of this decree, the Rota, to which the interlocutory matter must be decided, must first render a judgment on the request, namely, whether there should be a proposal of doubts: if this is granted, it is done through the decree: "It is granted, and the Most Reverend Fathers have ordered that the doubts, with due observance, be notified and agreed upon before the presiding judge." 3. If the proposal of doubts is rejected, a decree is issued which simultaneously defines the interlocutory matter if this has been sufficiently explained in the parties' written submissions: "The Most Reverend Fathers, having considered (and here the reasons for the rejection are briefly stated), have decided and ordered, for example, that there is no basis for an agreement on the doubts, that experts be selected, or that witnesses be heard, and that Titus and Gaius be selected as experts, or that Titus and Gaius be heard as witnesses, with due observance, and that this be notified." If the interlocutory matter cannot be defined on its merits, then the decree is issued: "The Most Reverend Fathers, having considered..., have decided that there is no basis for an agreement through a written submission on the doubts, but have ordered that the matter be proposed in Tournon on...". § 92. 1. The written submission, by which the solution of a matter is requested from the Rota, can also be presented, not printed, but clearly and concisely written by hand; it must, however, be notified to the other party in the registry of the tribunal before the Notary, who must note this in a copy, to be kept in the records.

[*Latin ed. p. 814*]

Acta Apostolicae Sedis. - Official Commentary. 814 2. The presentation of a written statement [adversa] is not prohibited, provided that it exhibits, in the same manner, a memorial of the response, which must also be notified. 3. The judge [Turnus], on the designated day, if he deems the question to be sufficiently examined, shall decide it by a decree; otherwise, he shall grant a postponement, either at the request of the parties or ex officio. § 93.

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When a subsidiary question is presented along with doubts, the arguments or defenses must be printed and communicated to the parties, observing the terms and procedures as prescribed in canons 26 and 27 (Proper Law); and in §§ 45 and following. § 94. 1. The judges, when they deem it appropriate, may grant the parties the opportunity for an oral discussion, even in subsidiary questions, which have only been presented by written statement. 2. In cases where the parties disagree, regarding the formulation of the doubts, or the designation of a date for the presentation of the case, or regarding the appropriateness and equity of a requested postponement, or regarding the acceptance of one expert over another, such as for a particular type of evidence over another, or in similar matters, an oral discussion can be very useful, even for more quickly resolving questions that generally lack objective difficulty. 3. In cases involving the discussion of doubts, the parties are permitted an oral discussion, according to the aforementioned rules. 4. If an oral discussion is granted, it must conform to the ordinary rules, except for matters presented by written statement, relating to the time when such a discussion should be held; for it can be admitted immediately after the parties have presented their written statements, without waiting for responses, or even if one party has presented a written statement, and the other has waived its presentation by a written declaration. 5. However, after the oral discussion, neither another written statement nor a written response will be admitted. § 95. 1. Subsidiary judgments, including those which are said to have the force of a final judgment, do not admit of an appeal, nor even a recourse to another judge; they may, however, be appealed to the judge who rendered the judgment. 2. The object of this appeal is to seek the revocation of the subsidiary judgment; the judge will then either grant or deny such a request.

[*Latin ed. p. 815*]

Rules to be observed in judgments before the Sacred Roman Rota Tribunal. 815, either through another incidental sentence before the final sentence, or in the very final sentence. 3. Rejection is simple and is done through the formula "in decisis." Admission of a revocation, however, should be based primarily on new arguments; and these reasons must be briefly explained in the sentence of revocation. When a response regarding a petition for revocation of the final sentence is given, it is done through the customary formula: "Consideration will be given on the day the case is presented, on its merits." § 96. The execution of rescripts or decrees, which have been issued regarding incidental matters by Tournon, is entrusted to the presiding judge, before whom the more diligent party cites: "to execute the rescript, e.g., concerning the appointment of experts." Regarding a decree, the presiding judge states: "It has been received and the Reverend Father N. has been appointed as an expert, according to the formula of the Sacred Order." § 97. 1. If the presiding judge admits

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intervention, either voluntarily, that is, at the request of a third party, who seeks to be admitted to the judgment; or necessarily, that is, prescribed, either ex officio, or at the request of the parties in litigation, the matters are referred to the opposing side in Tournon, through a memorandum, citing the parties. 2. In cases of any nature, when the presiding judge deems that intervention is required ex officio, the matter is reported to the Promoter of Justice, who, if he deems it just, prepares a petition, and the presiding judge issues the customary formula: "It has been received, etc." If the opposing party objects, the question is referred to Tournon by the presiding judge, using the same formula. 3. If there is a dispute on this matter between the presiding judge and the Promoter of Justice, who is contradicting the intention of the presiding judge, the question is referred to Tournon. 4. The Promoter of Justice can be called by the presiding judge, by Tournon, or by the presiding judge, to intervene in the case. § 98. 1. The presiding judge, before appealing to Tournon, has the power to order that, during the pending litigation, nothing be attempted, and that things be restored to their previous state, and that the assets, whether movable or immovable, involved in the dispute, be placed under sequestration, to the extent that it is necessary to preserve the object of the dispute completely and safely, until the execution of the sentence, always with the firm provision of § 83. ACTA, vol. I, p. 11, no. 20. - 31-10-910. 54

[*Latin ed. p. 816*]

Acts of the Apostolic See. - Official Commentary. 816 2. Incidental controversies that may arise concerning these matters are referred to Tournus, according to the firm prescription of § 83. Questions arising in the appellate stage before the Holy Roman Rota, or which are not definitively settled in the first instance, can be decided by the Most Holy Order, if they have a connection with the principal cause, which has been definitively decided in the first instance: this is according to the norm of canon 14, § 2 (Proper Law). § 100. 1. Incidental petitions must be presented to the presiding judge, with a brief pleading in which the reasons and proofs by which these are supported are briefly explained. 2. The presiding judge, unless he deems it necessary to immediately reject the petition, replies: "Let the opposing party be notified," indicating a deadline within which the response must be given, or the party "whether it intends to agree or object to the opposing petition."

TITLE IV. Concerning the investigative process.

CHAPTER ON THE DUTY OF THE JUDGE TO WHOM THE INVESTIGATIVE PROCESS IS ASSIGNED.

§ 101. 1. The decree by which the Rector assigns the investigative process to a judge, according to canon 22, § 2 (Proper Law), must be notified to the contending parties, so that, if they have anything to say, they may object to the decree. Therefore, the decree from the Rector is sent to the presid-

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ing judge, with this reply: "Let it be joined to the file of proceedings, and let this be notified." 2. In criminal cases, which must be treated in secret, and in other cases of no less importance, or when the Promoter of Justice or the Defender of the Bond requests it in the respective cases, either by themselves or ex officio, Tournus prescribes that the investigative process remain secret until the case is concluded.

§ 102. 1. The presiding judge or another judge of Tournus cannot simultaneously be the instructor of the case, but this office must be requested by the Rector from another judge of a different turn.

[*Latin ed. p. 817*]

Rules to be observed in judgments before the Sacred Roman Rota Tribunal. 817 2. Whenever the presiding judge issues a decree stating: "The proceedings or evidence shall be completed, according to the instructions to be given by the Promoter of Justice or the Defender of the Bond," or the presiding judge prescribes the limits and manner of conducting the investigation, and the investigation must be completed by the diocesan court, then a judge is not appointed as Instructor according to the preceding number, but rather the presiding judge transmits the matter to the court, through letters of request signed by himself and by the Notary, as in § 15, n. 1, giving the instruction to conduct the proceedings, according to the instructions attached to the letters. 3. The letters must be drafted by the presiding judge in the following manner: After stating the tenor of the decree prescribing the investigation, the presiding judge submits the text of the instructions, whether prepared by the presiding judge himself, or by the Promoter of Justice or the Defender of the Bond; and at the same time, he grants the Ordinary the appropriate and necessary powers to appoint a judge as Instructor, even with the power to delegate, in order to carry out the assigned investigation, with the legally required safeguards, after the prior appointment of the Defender of the Bond in matrimonial cases, according to the procedures of the Constitution *Dei Miseratione*; and in criminal cases, the Promoter of Justice. - Then, it is requested of the court that, upon completion of the investigation, the authenticated records be sent, if possible, to the office of the clerks. The presiding judge, or the presiding judge himself, reserves the right to order the publication of the proceedings, but always respecting the attestations prescribed in § 115, according to common law. 4. In the same form, with appropriate references (as in § 111), the letters of request are drafted by the Instructor, if the investigation is to be completed entirely or in part, in the diocesan court. Of course, after the decree by which the Instructor was appointed, he then dictates the rules according to which the investigation is to be conducted. § 103. 1. In cases brought before the Sacred Rota by legitimate appeal, the investigation is conducted by the ordinary power of the Most Holy Tribunal; in cases, however, which are referred by commission, by the power that arises from

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the commission's decree itself. 2. In both cases, after the parties have been notified of the decree of the Reverend Dean, which thereafter produces judicial effects between the same parties, it is not indicated in subsequent decrees whether the judge Instructor proceeds by ordinary power, or by commission, but only the quality of Instructor is indicated in the signature. § 104. 1. In the decree by which the Instructor is assigned the investigation of the proceedings, both the object and the chapters of the investigation must be briefly declared, and those.

[*Latin ed. p. 818*]

Acta Apostolicae Sedis. - Official Commentary. 1. By mandate, permissions are presumed to be granted, even if they are not expressly stated in the decree, provided that they are closely connected to the principal matter. 2. Hence, the acts performed by the Examining Judge are always to be considered valid, provided that they serve to uncover the truth. If, however, it is alleged that such acts are in no way connected to the principal matter expressed in the commission's decree, and are therefore not to be upheld, then Tournus must be informed of this objection. 3. It is incumbent upon the parties with an interest in the matter to ensure that the examination is completed as quickly and thoroughly as possible, and to this end, they may submit petitions to the Examining Judge, if necessary; which, if rejected by him, may be presented to Tournus. § 105. 1. Once an Examining Judge has been appointed, the President retains the power to perform acts that neither pertain to the examination nor prejudice it. 2. If the parties object before Tournus to an act performed by the President, alleging that he has thereby usurped the functions of the Examining Judge, such acts are not considered null and void, unless so decided by Tournus. § 106. 1. The examination concerns the establishment of evidence, namely, through witnesses, experts, or oaths administered to the parties, or questions put to them. 2. With regard to evidence already established, the President, either ex officio or at the request of the parties, orders that the relevant documents be presented and attached to the record. 3. When a judge outside the Court must be appointed to obtain evidence, this is done through letters rogatory or letters of commission. 4. If a party proves that it has the right to have certain documents or acts presented, and these are withheld by a public official or other possessor, then the judge who is to compel the delivery of the required documents is appointed through letters of compulsion. § 107. The examination for the purpose of obtaining certain evidence may be prescribed either ex officio or at the request of the parties, or it may be implicitly or explicitly mandated in the decree of the pontifical commission, by which the definition of the cause, either in its entirety or in part, is

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delegated.

[*Latin ed. p. 819*]

Rules to be observed in judgments before the Sacred Roman Rota Tribunal. 819 § 108. 1. If the case concerns a criminal matter, the Promoter of Justice must be present to assist the Instructor, and the written order appointing the Instructor, along with the relevant documents, must be communicated to him, so that he may examine the questions to be put to the parties and witnesses, except for the answers and any other form of evidence, and thus be able to investigate further inquiries that he deems appropriate to reveal the truth. 2. In other cases, which concern the public good and order, it will be up to the Instructor to seek the intervention of the Promoter of Justice, if he deems it appropriate. 3. It is left to the discretion of the Instructor, in each case, to determine the manner and limits of this intervention by the Promoter of Justice, which is neither absolutely, nor for the validity, necessary in these cases, as mentioned in n. 2, nor is it required to be expressed in the records of the proceedings. 4. In cases concerning the bond of marriage or the validity of religious profession or sacred Orders, the intervention of the Defender of the Bond is required, according to the Constitutions "Bei miseratione" and "Si datam." § 109. 1. To persons accused or investigated for crimes, questions are put to them, without taking an oath. 2. In criminal accusations, it is the duty of the Instructor to assign a defender to the accused, who will assist him even during the period of the investigation, if he does not have his own lawyer, nor is he able to adequately advise his own defense. § 110. If the parties or witnesses to be questioned and examined are not present before the Court, nor can they easily access it, or if expertise must be obtained outside the city, the proceedings are completed by judges delegated outside the Court, and a letter of inquiry is sent. § 111. A judge is chosen generally by the Auditor Instructor, at the request of the more diligent party, by means of the customary written order of the S. Rota: "And the aforementioned Auditor, in this case, has delegated a judge Instructor... according to the letter of inquiry, a copy of which is enclosed, with the necessary and appropriate powers, without excluding the power of delegation, etc.," according to the rules.

[*Latin ed. p. 820*]

820 Acta Apostolicae Sedis. - Official Commentary. § 102. - In criminal cases, and in others, as the circumstances may require, he is chosen by office. 2. When a judge is chosen, either at the request of the Promoter of Justice or by office, the decree by which the rogatory letters are dismissed is drawn up only under the name of the Instructor, or: "The undersigned Auditor of the Sacred Roman Rota, etc., to the Most Reverend N. N...., constituted in ecclesiastical dignity, undertakes the task according

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to the rogatory letters..." The decree or rescript, and the rogatory letters, are signed by the Instructor as follows: "Auditor of the Sacred Roman Rota and, in this case, Instructor." The signature of the Notary and the seal of the chancery are added. § 112. An appeal is given against the decrees and rescripts of the judge-Instructor, from which the case, subject to instruction, is to be judged. § 113. In the examination of matrimonial causes, which are examined in mission territories, even if the norms and rules prescribed in the instructions given for this purpose by the Holy See have not been observed, provided that sufficient evidence of the disputed facts is established and the essential forms of the judgment are observed, and provided that the Defender of the Bond is present, a final judgment may be reached. CHAPTER II. OF WITNESSES. § 114. With regard to proof by witnesses, the following rules must be observed: 1. As for the persons of the witnesses, there are no absolute incapacities. Those suspected of perjury are heard to determine whether they should, with regard to their entire testimony, or for some part thereof, take an oath; and an unsworn deposition may be valid at least as an indication. 2. Each witness must generally take an oath to tell the truth before being questioned; furthermore, in spiritual causes, which concern the public good, witnesses may be bound by oath to keep secret the questions asked and the answers given until the process is published. It is left to the judge's discretion, after the witness has been fully examined, to require him to take the oath again regarding the truth of what has been said, without prejudice to the oath already taken at the beginning to tell the truth, and this may be done as often as the gravity or the additions made to the testimony require.

[*Latin ed. p. 821*]

Rules to be observed in judgments before the Sacred Roman Rota Tribunal. 821

3. Furthermore, the Promoter of Justice and the Defender of the Bond, seeking proof through witnesses, must present, in addition to the names of the witnesses to be examined, also the articles or points of the questions.

4. A witness who does not comply with the summons may be punished according to the norms of common law.

5. Witnesses are questioned separately by the Examining Judge, and not by the parties, nor by the Promoter or Defender, if they are present; however, all of them have the right to request the Judge to propose certain questions.

6. It may be permitted for the parties or their representatives to be present at the examination of witnesses, if the matter concerns only patrimonial or pecuniary interests.

7. One of the Notaries of the Tribunal must always be present, so that the witness's answers may be recorded in writing.

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8. The answer must be oral, not written beforehand, given in response to the Judge's questions, which the witness is not notified of in the summons; in this case, for the diversity of circumstances, only a generic object of the required testimony is declared. However, written documents may be used by the witnesses, so that numbers or calculations and dates may be recalled.

9. It is left to the prudent judgment of the Judge to decide whether to institute a comparison between witnesses.

10. After the examination is complete, the witness's testimony is read aloud, and the witness is given the opportunity to add to or correct it, if necessary, and then it is signed by the Judge, the Notary, and the witness himself.

11. The expenses of travel and lodging for witnesses are to be reimbursed in the place where the Tribunal is located.

12. The Defender of the Bond must attend the examinations of witnesses whenever the prescriptions of common law require it, according to § 108, no. 4. § 115.

After all the witnesses have been examined, the Examining Judge, if the parties or their representatives have not been present at the examination, publishes the testimonies, giving the opposing party a reasonable and peremptory term to object to the witnesses and their testimonies, and also to declare whether he wishes to produce witnesses for his defense.

§ 116. In criminal cases or in cases concerning public order, if it does not seem appropriate to publish the examination of witnesses, the testimonies of the accusation must be made known to the accused, concealing the names of the witnesses, if a serious reason requires it.

[*Latin ed. p. 822*]

822 Acta Apostolicae Sedis. - Commentarium Officiale. 2. Potest iudex, si id prudens ac opportunum censeat, tum accusatum tum eius patronum iuramento adstringere de secreto servando, ne edantur seu evulgentur contrariae attestationes ac nomina testium. 3. Si testis suam fecerit depositionem sub conditione, ut suum nomen non manifestetur accusato aut eius procuratori, vel quacumque alia de causa, non minoris momenti, haud expediat denunciare nomina testium, et ex alia parte accusatus persistat excipere, attestationes nullius esse valoris, cum non possit contra personas testium sibi ignotas excipere; tunc iudex, si id prudens censeat, eligere potest duas vel tres personas, nullum interesse in ipsa causa habentes et omni exceptione maiores, et quantum fieri potest accusato non suspectas, quibus communicat nomina testium ut iudicent, utrum testes in casu sint fide digni. Ipsarum responsum notificetur accusato, et etiam earum nomina, si id expedire iudex censeat. § 117. Iudex instructor qui litteris rogatoriis delegat vel subdelegat iudicem ut perficiat examen testium aut partium contendentium, opportunas dat

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instructiones, ac etiam, si id utile sibi videatur, articulos quaestionum proponendam. § 118. Si testes compareant non requisiti ad faciendum vulgo actum de notorietate, competit causae Ponenti aut Iudici Instructori, si adsit, deputare Notarium ad testes interrogando, praescriptis normis pro excipiendis attestationibus. § 119. Absoluto processu quoad probationem per testes, pars diligentior partem adversam citat: « in sequelam habitarum attestationum... destinari, Tournon rotalem... ». Si vero probatio a Tournon decreta fuerit, additur: « et in reassumptionem causae destinari... ». Ponens rescribit: « Obtinuit et destinavit Tournon diei... ». Et ita quoad alias probationes. CAPUT DE III. PERITIS. § 120. Peritos eligere Iudici Instructori competit ad praesentationem partium, si peritiam Tournus praescribat, quin sibi peritorum nominationem reservaverit.

[*Latin ed. p. 823*]

Rules to be observed in judgments before the Sacred Roman Rota Tribunal. 823 § 121. 1. If experts are not appointed by office, the more diligent party summons the opposing party: "to execute the decree of the Holy Order and to appoint an expert." 2. On the day appointed for comparison, each party has the right to present experts whom they consider suitable and worthy. 3. The Judge Instructor, however, must choose the expert or experts whom neither party reasonably suspects. 4. If one of the parties persists in objecting to experts already chosen, and the Instructor, after hearing the other party, does not deem it necessary to change the selection, the matter is referred to Tournon to be decided, with the same procedure observed as for incidental questions. § 122. The number of experts, unless determined by law, is established by Tournon, or by the Judge Instructor in each case, taking into account the requests of the parties and the nature of the question. § 123. 1. In cases concerning the validity of marriage, Holy Orders, and religious profession, one or more expert consultants are appointed by office, or they are appointed according to the requests or designations made by the parties, to clarify questions pertaining to Holy Theology. 2. When an expert consultant is appointed, the Judge must assign a defender to the party that does not have a defender, or that is unable to defend itself, with the understanding that, if necessary, gratuitous assistance will be provided. § 124. In the decree or rescript by which experts are appointed, the object of the expertise must be clearly explained, along with the instructions and documents, as needed, and the manner in which the experts will present their findings in writing. § 125. 1. This report can be prepared in two ways: 1.° by having as many reports made as there are experts, each written and signed by the individual expert; 2.° or by having a single report made that explains the opinion of the majority of the experts, with the various

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opinions of those who dissent indicated.

[*Latin ed. p. 824*]

Acta Apostolicae Sedis. - Commentarium Officiale. *Nomen propriis servantur; relatio communis ab omnibus peritis subscribitur.* § 2. *In rescripto quo periti deputantur, designari debet qualis modus ex hisce duobus servandus sit in relatione conficienda.* § 126. 1. *Partes ius habent cognoscendi obiectum peritiae antequam perficiatur, nisi agatur de causa criminali vel etiam de gravi negotio ordinis publici, quibus in casibus expedit partes interesse habentes non certare de obiecto peritiae antequam perficiatur, sed eis communicare tantum exitum seu sententiam peritorum.* 2. *Partes postquam noverint obiectum peritiae, animadversiones aptas facere possunt, et etiam mutationes circa rescriptum deputationis expetere.* 3. *Fas est partibus animadversiones aptas oretenus explicare perito in audientia, in qua ipsis manifestatur peritiae perficiendae obiectum et peritus iuramentum praestat.* § 127. *Deinde pars diligentior citat: "ad videndum expediri decretum super deputatione periti, ad eundem informandum et iuramentum a perito praestari...". Iudex rescribit: "Obtinuit, et Dominus ad effectum de quo in precibus destinavit diem... in aedibus vel in sede tribunalis".* § 128. *Notarius rogabit actum, qui non solum ab ipso notario subscribetur, sed etiam a iudice et a perito, ac in actis servabitur.* § 129. 1. *Potest iudex non deferre iuramentum perito, praesertim si votum emittere debeat de quaestionibus iuridicis-theologicis, potiusquam de certa questione facti.* 2. *Remittitur tamen prudenti iudicis arbitrio, deferre iuramentum perito etiam cum exhibet cancellariae relationem peritiae, praesertim si in ipsa contineantur nova facti adiuncta.* § 130. 1. *In decreto quo periti deputantur, congrua pecuniae summa taxanda est pro expensis peritiae, ac etiam decerni debet a quanam parte sit solvenda.*

[*Latin ed. p. 825*]

Rules to be observed in judgments before the Sacred Roman Rota Tribunal. 825. Such expenses are regularly to be paid by that party who requests the expertise, and for whose benefit the judgment is rendered. § 131. 1. For causes of nullity of marriage under the head of impotence, both in the selection of the expert and in the execution of the expertise, the Instruction "Cum monuat glossa" which was published by the Sacred Congregation of the Council in the year 1840, must be observed. 2. In the case where the rules cited in the aforementioned Instruction have not all been observed, it pertains to Tournon to judge whether the substance of the evidence remains valid, or whether something is lacking in the expertise and must be supplemented. § 132. 1. In examining objections raised against instruments or public and private acts, whenever it is necessary to prove whether they are genuine or not, if there is no proof available through witnesses, an expertise must be employed, which is to be carried out by

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expert calligraphers, approved by public authority, if possible, through a comparison of writings. 2. The comparison is completed through an examination, in which the character of the writing, about which there is doubt as to whether it should be attributed to a certain author, is compared with the character of a writing undoubtedly belonging to the same author, which is presented before the experts. § 133. If any of the experts should die, or renounce the task accepted, or be legitimately excused from performing the task, or be dispensed from performing the task, another expert shall be substituted by the Examining Judge, or by Tournon, or by the presiding judge, after hearing the parties concerned. § 134. If it appears to the judges of Tournon that the fact which constituted the object of the expertise has not been sufficiently declared, it is entirely within their power to request further declarations from the experts, and also to order a new expertise to be carried out by other experts, even ex officio. § 135. 1. The opinion of the experts is delivered to the judge who ordered the expertise, and it is his duty to examine whether it conforms to all the prescriptions of the mandate given to the experts, and, if it seems appropriate, after taking an oath, the opinion is attached to the file of proceedings, according to § 129, n. 2.

[*Latin ed. p. 826*]

Acta Apostolicae Sedis. - Official Commentary. 826 § The objection is declared by the parties, either through a formal declaration, or at the instance of the more diligent party, or ex officio. § 136. Judges are not bound to conform their judgment to the opinion of experts contrary to their own conviction.

CHAPTER V. OF JUDICIAL STATEMENTS AND INTERROGATORIES.

§ 137. 1. Both parties have the right to draw proof of facts relevant to the case from the judicial confession of the opposing party. § This is also permitted in criminal cases, and generally in all those which concern the public good, in which the accused or the person under investigation, or the defendant, is presented with statements and interrogatories by the Public Prosecutor. § 3. In cases concerning the marriage bond, or the validity of Holy Orders and religious profession, the Defender of the Bond may also request the same.

§ 138. During the period of instruction, it is permissible for the parties to request that statements and interrogatories be presented in order to obtain a confession; but the request must contain all the specific points of the questions for which a response from the opposing party is sought.

§ 139. The judge may order a party to answer the interrogatories; if the party does not comply with the judge's order, the facts will be considered

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as true and confessed.

§ 140. 1. The judge will not admit a request unless it concerns facts of not insignificant gravity and relevant to the case; hence, he may correct the statements and interrogatories, and substitute others that are more appropriate. § 2. A statement differs in form from interrogatories; for a statement presents an assertion of a fact, and is presented to the opposing party in order that the asserted fact may be admitted or denied simply and plainly.

[*Latin ed. p. 827*]

Rules to be observed in judgments before the Holy Roman Rota Tribunal. 827 § 141. The decree by which positions and interrogations are admitted must contain the text of the same, along with a warning, that if a party does not answer, or does not excuse their silence or absence with valid reasons, their actions shall be considered as true and confessed. § 142. In non-criminal cases, the answer should be confirmed by oath. § 143. If the party who is to be interrogated resides outside the City, and cannot be conveniently summoned to appear, letters rogatory are issued, according to the form established above. § 144. A Notary must be present to receive the answers, who will write them down, and then read them to the party, so that, before signing them, they may add or correct something, as has been said regarding witnesses. § 145. If a party, who was summoned for a set day, does not appear in court, after the instruction has already been completed, and before a final and definitive sentence is pronounced, they may, by a prior decree of the court, be admitted to answer questions before the Examining Judge, provided that they pay, without the right of repetition, whatever expenses have been incurred due to their contumacy, regardless of the outcome of the case. § 146. 1. The positions and interrogations shall state the articles of fact regarding which evidence is sought; they shall be signed by the proponent or by their procurator, who has a special mandate. However, the initial mandate is sufficient for the case, if it contains, expressly or equivalently, the power to propose interrogations. 2. The party must give the answers orally. However, if the case is a non-criminal one, even their procurator may answer, provided that they are armed with a special mandate. 3. The party who initiated the interrogation cannot be present during the answers, unless the Examining Judge orders the presence of both parties.

[*Latin ed. p. 828*]

Acta Apostolicae Sedis. — Official Commentary. 828

4. In contentious cases which concern private property, a comparison [of evidence] is not ordered unless at the request of the parties, and after the party requesting has presented the articles of inquiry; but it is also ordered ex officio in criminal cases, and in others which concern the public good.

5. The judge may, in these latter cases, even while a comparison is being

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made between the parties, propose articles of inquiry ex officio.

§ 147. A party, promoting an inquiry and presenting articles of inquiry, states: "It is desired that the Lord [the judge] grant the same request, so that the other party may answer these same articles, and may be summoned by oath, with the warning that if he does not comply with the decree of the same Lord within the time and place assigned by him, he shall be considered to have confessed... " or, after the articles and the judge have approved the proposed inquiries, the judge writes: "N. N. requested and obtained that N. N. be summoned as stated above, and for the same purpose, to appear for comparison on the day... at the hour... in the place... or in the building...". The decree of citation to the principal opposing party is inscribed as follows: "Let N. N. be summoned to appear, under oath, on the day... at the hour... in the place... to answer the articles and other matters to be seen, which is as follows: FIRST, "the opposing party is obligated to confess the truth in the matters contained in the articles; the formula of the articles is solved and cited to the truth of this, which N. N. must satisfy by the end of the month of July, and if he does not consider this to be true, he must state the true sum." SECOND, "the opposing party is obligated to state the total sum that has been paid to him, so that the party who owes it may know the amount due to him until that day."

§ 148. It is incumbent upon the judge to ensure that the answers are pure and simple, so that, after the matters contained in the articles have been presented by one party and alleged by the other, they may be admitted or denied.

[*Latin ed. p. 829*]

Rules to be observed in judgments before the Sacred Roman Rota Tribunal. 829 CHAPTER V. CONCERNING THE DECISORY, SUPPLEMENTARY, AND ESTIMATIVE OATH IN A CASE. ARTICLE L — Concerning the decisory oath. § 149. 1. A decisory oath is that which one party offers to the other, in order that, according to the terms of the sworn response, the case may be decided, and that it may be unappealable. 2. The oath may be offered at any stage and moment of the case. 3. A procurator may neither offer, accept, or return the oath, nor revoke one that has already been given, unless he has been specially instructed to do so. 4. The party offering the oath must propose a formula. § 150. The oath may be offered only: 1.° In matters about which a compromise may be reached, and which are not of a more serious nature, considering the condition or the person to whom the oath is offered, or the one who offers the oath; 2.° Whenever there is some, but not full, proof from both sides; 3.° Provided that the matter concerns a mere fact, especially if only the adversary, such as the director or administrator of a college or pious work, may have knowledge of it. § 151. 1. The judge issues a rescript by which he approves or corrects the proposed formula of the oath; he states the day, and assigns the place for comparison,

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with the admonition "that if the party excuses himself from the place and time set, he shall be considered to have been lawfully excused from that time, and neither shall he swear, nor, by giving his oath, be held to have confessed." 2. This form of notification, with due modifications, must be observed in any type of oath after its admission. § 152. 1. The oath offered may be either accepted by the party to whom it is offered, or returned to the one who offered it.

[*Latin ed. p. 830*]

Acta Apostolicae Sedis. - Official Commentary. Book 2. If a party neither takes the oath nor presents evidence, but excuses himself, claiming that in this case he is not obligated to take the oath, it will be up to the judge to determine whether the reasons presented are sufficient to exempt the party from the presumption of an implied confession. 3. The question of whether this case falls under the jurisdiction of Tournon, to which the matter is referred by written decree, "with the cited party," will be determined. § 153. The form of the oath presented by the judge must be approved according to § 151; and for the oath to be presented, the conditions mentioned in § 150 must be observed. § 154. The party to whom the oath is presented is obligated either to take it or to legitimately excuse himself, so as not to prejudice himself, as is stated in § 152, n. 2. ARTICLE II. — Concerning the supplementary oath. § 155. 1. An oath is called supplementary if it is presented to complete the evidence; the presentation of such an oath is determined either ex officio or at the request of the parties. 2. It cannot be presented except by Tournon, but it must be given before the President, unless Tournon reserves the right to administer this oath. 3. The presentation of the oath is also determined by the Examining Judge, who is also the one who receives it. § 156. In order for the judge to admit this oath, it is required that: 1.° it concern facts pertaining to the person to whom it is presented; 2.° it relate to matters of less serious importance, especially considering the condition of the persons involved; 3.° that there be some evidence regarding the fact in question. § 157. It is regularly presented to the party who benefits from the stronger evidence; but if the evidence is equally strong, it is presented to the defendant. § 158. If the party to whom the oath is presented refuses to take it, it cannot be presented to the other party; and in that case, unless he legitimately excuses himself, according to the manner prescribed in § 152, n. 2, he suffers the same prejudice.

[*Latin ed. p. 831*]

Rules to be observed in judgments before the Sacred Roman Rota Tribunal. 831 §159. An oath given as a substitute can be challenged by the other party, alleging it to be false and erroneous. ARTICLE III. — Concerning the oath of estimation in a lawsuit. § 160. The oath in a lawsuit, or the oath of estimation of the lawsuit, is given to the party who has proven that

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they are owed something by the other party, the value or quantity of which cannot be proven by ordinary evidence, due to a fault imputed to the other party. § 161. This oath is given either at the request of the parties or ex officio. § 162. 1. The party who requests to give this kind of oath must, in the petition, include a list of the specific items or debts they claim, with their value and quantity specified; declaring that they are prepared to confirm their assertion under oath. 2. This list and declaration must be signed by the party themselves or by their procurator, but only with a special mandate. § 163. 1. If the petition is made in Tournon, and the oath is admitted there, after the usual notification, and with the proper record made, in accordance with the decree of admission, it pertains to the Judge, who must either accept the list of items requested, along with their value, as requested, or correct and reduce it, and then write: "N.N. petitioned... and obtained, according to the decree of the Sacred Order, and in consequence, the Lord has appointed a day on which, in the seat... or in the same N.N. will take the oath of estimation in the lawsuit, as requested... or according to the manner prescribed by the judge, with notification." 2. In the same manner, this oath can be admitted by the Examining Judge during the period of instruction. § 164. Whether the oath is to be taken before the Judge or the Examining Judge is, according to their prudent judgment, determined by them, at the expense of the opposing party, whenever the expertise can be usefully obtained. ACTS, vol. I, no. 20. - 25-10-910. 55

[*Latin ed. p. 832*]

832 Acta Apostolicae Sedis. - Official Commentary. CHAPTER VI. ON THE JUDICIAL INVESTIGATION. § 165. 1. If it should be necessary, for the decision of a case, to inspect places or matters in dispute, as easily happens in judgments concerning damages, the notification of new works, the demarcation of boundaries, and in similar matters, the Tribunal of Tournus may, at the request of the parties, or even ex officio, order the judicial investigation. 2. The Examining Judge, if he is preparing the investigation, shall report to the Tribunal of Tournus whether it is necessary for the Judge to personally conduct the investigation. 3. When the Tribunal of Tournus orders the investigation, if it does not reserve the execution of this for the entire tribunal, it shall entrust the task to a designated judge to personally conduct the investigation and report, always subject to the provision of the following paragraph. § 166. The decree by which the investigation is ordered shall precisely determine the matter to be inspected and the manner of the inspection; and it shall instruct the party requesting the investigation, or both parties, if it is ordered ex officio, to deposit a sum, corresponding, as far as can be estimated, to the necessary expenses incurred in carrying out the investigation. § 167. 1. If the Tribunal of Tournus deems it appropriate, it may, ex officio, by the same decree, nominate one or more experts, or entrust the designation to the designated judge. 2. Whether the designation of

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experts is carried out in one way or the other, it is the duty of the designated judge to inform the experts of the task entrusted to them. § 168. The designated judge, at the request of the more diligent party or ex officio, shall set a day and hour for the investigation. This shall be brought to the knowledge of the parties and the experts, if any, by notification. § 169. On the day and hour established, the judge, together with the notary, the experts, and the parties, or their representatives, if they deem it appropriate to attend, shall carry out the investigation and in accordance with the manner indicated in the decree.

[*Latin ed. p. 833*]

833. Rules to be observed in judgments before the Sacred Roman Rota Tribunal. § 170. 1. The parties and their advocates have the right, while the process is being carried out, to make observations, declarations, and objections, which will be mentioned in the report drawn up by the Notary. 2. It may be decided that descriptions of places be made on topographic maps; or that the maps presented be examined; and also that witnesses, presented by the parties or ex officio, be examined; and these testimonies will be written down in a report by the Notary. 3. Also, observations and declarations of experts will be written down. § 171. The written report, in which each act carried out in the process is indicated, will be signed by the parties or by their advocates, if they are present, by the judge, and by the Notary. § 172. 1. If the process cannot be carried out by the judges due to the distance of the places or for other reasons, a delegated judge will be appointed, who will go to the place together with experts. 2. In the letters of request issued for this purpose, the provisions already prescribed will be followed, and the delegate will be instructed to transmit the report drawn up by the Notary regarding the process.

TITLE V. Concerning Sentences. § 173. The Lords Auditors, whether in *turno*, or in the full college, or in another form of assembly, in accordance with canon 11 (of the proper law), responding to legitimately proposed and discussed doubts, pronounce sentences, which are either interlocutory or incidental, or final. § 174. 1. Final sentences cannot be revoked or corrected, neither by the *turno* which pronounced them, nor by any other assembly of Auditors, whatever the number of judges, according to the different forms of assemblies, as stated in the preceding paragraph.

[*Latin ed. p. 834*]

Acta Apostolicae Sedis. - Official Commentary. 834. The preceding rule applies, provided that a definitive judgment has not yet been issued by the full College, for the consideration of all. 2. However, if a material error occurs in the text of the judgment, or in the transcribed part of the judgment, or in any fact presented, after the notification of the judgment has been effected, the party concerned may, through a written petition, raise an

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incidental question "regarding the correction of the text of the judgment" with the same College that issued the judgment. The College, accepting the petition in whole or in part, will write: "It is decided according to the request, or according to the manner..." The Secretary will then ensure that the corrections, according to the College's decision, are made in the text of the judgment. - If the College rejects the petition, it will write: "Nothing." 8. Interlocutory or incidental judgments may be revoked, according to § 95, § 175. If an incidental question is raised, and the principal cause is found to be in a state where it can be definitively decided on its merits, the Tribunal will issue a single judgment defining both. § 176. The judgment, whether interlocutory or definitive, is that in which the absolute majority of votes concurs, canon 31, § 3 (Lex propria). § 177. 1. After the judgment has been pronounced, the Lords Auditors convene for a private discussion of the case, to which only the judges are admitted. 1. These Lords, before proceeding to the discussion, should have already begun to formulate (or express) a decision (or opinion) previously discussed and deliberated with the Assistant for Studies and with a young man of dedicated study, secretly, and this should also be written down in Latin, with the reasons for the decision in law and in fact. § 178. 1. The Prefect initiates the discussion by reading his opinion, with appropriate declarations regarding the facts, including those pertaining to the case's proceedings as recorded in the documents before him. Then, the other Lords, in order, proceed to read and declare their opinions, if necessary. 2. If the opinions differ among themselves, and a discussion arises, it is permissible for the Lords to partially or completely retract from their opinion; but the changes introduced and the reasons for them must be briefly indicated in a written opinion under the formula "I agree or because..." with the Lord's name and the reasons expressed in the same opinion.

[*Latin ed. p. 835*]

Rules to be observed in judgments at the Sacred Roman Rota Tribunal. 835

3. Whenever in the initial discussion, the majority of votes necessary for the decision of the case cannot be obtained, the judgment is postponed until the next session, by a written decree stating "A resolution will be given at the next session of the Auditors," or simply "It will be given at the next session."

4. Decrees postponing the judgment until the next session of the Auditors may not be extended beyond one week, unless there are vacations of the Tribunal intervening (canon 31, § 4, Proper Law).

5. The written votes are given to the Proponent or to the Auditor to whom the examination of the opinion has been entrusted. After the opinion is published, these votes are delivered to the Dean, who shall keep them in the secret archive of the Deanery (canon 31, § 5, Proper Law).

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§ 179.

1. Once the decision has been reached, the Proponent writes it down in the form of a response to the questions, attaching it to the same file of proceedings, as a dispositive part of the judgment.

2. Unless the Tribunal determines that the decision must be kept secret until the formal publication of the judgment, the Notary, by a protocol, may communicate the decision orally to the parties in the case; and he may also deliver a copy of the decision to them, if requested.

— A decree ordering that the decision be kept secret is worded as follows: "and the decision shall remain secret until the judgment is published."

3. This must be done within ten days of the decision, or at most, within thirty days in more complex cases, especially because of the many questions raised, and because of the abundance of documents.

4. The judgment must be written by the Proponent, or by another of the Auditors, to whom this task has been entrusted in the secret discussion of the case.

§ 180.

If, even in the second session of the Auditors, the majority of votes necessary for the decision cannot be obtained, since the individual Auditors give different responses to the questions raised, it should be considered whether it is expedient to seek other documents or evidence to clarify a certain disputed fact, or to invite the parties to a more specific agreement on the questions; unless it is more appropriate to postpone the solution of the question by a decree: "Postponed, or Reconsidered, or Not to be established, or Not sufficiently established."

If none of these remedies can lead to the desired outcome, the Proponent shall inform the Dean of the state of the matter, so that, in accordance with canon 11 (Proper Law), other provisions may be made.

[*Latin ed. p. 836*]

836 Acta Apostolicae Sedis. - Commentarium Officiale. § 181. 1. Sententiae definitivae debent comprehendere: a) Nomen, cognomen, et qualitatem personarum litigantium, prout in actus citationis descriptae sunt; necnon nomen et cognomen eorum procuratorum; b) Intentionem actoris, seu actionem iudicialem, cum compendiaria expositione facti et actorum causae; c) Rationes decidendi, tam in facto, quam in iure; d) Decisionem, seu partem dispositivam et formulam executivam; e) Indicatio diei, mensis, anni, et loci in quo decisio prolata fuit; f) Subscriptionem iudicum, qui sententiam protulerunt, et notarii. 2. Sententia debet lingua latina exarari (can. 32, § 3, Lex propria). § 182. Sententia definitiva nulla est, si rationes tam in facto, quam in iure non contineat (can. 32, § 3, Lex propria). § 183. 1. In parte dispositiva sententiae, si actor careat actione, aut si eadem probata non fuerit, iudices,

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dubiis simpliciter Affirmative vel Negative respondentes, iuxta diversam formulae conceptionem, reum absolvunt. 2. Si actio iusta sit et comprobata, iudices reum damnant, addendo simplici responsioni, Affirmative vel Negative, dubiis datae, verba: « iuxta modum, etc. » quoties explicari et determinari debeant certa obiecta, nempe vel pecuniarum summae solvendae, vel praestatio factorum, in quibus reus damnatur. 3. In quaestionibus incidentalibus, ordinationem processus respicientibus, datur responsio per verba: Ad mentem, vel rescripto additur: Ad mentem, ut explicetur modus, quo perficiendus sit actus. 4. Quando actio regulari modo non fuit proposita, iudices respondent: Affirmative vel Negative, iuxta dubiorum utatur iure suo coram Ordinario in via formulam; vel Orator administrativa », vel « Orator utatur iure suo, si et quatenus et coram quo de iure ». Contra, quoties constat, actionem carere probatione circa aliquod peculiare obiectum, et pariter constat probationes probabilius posse compleri, respondetur: « Dilata et coadiuventur probationes, tum super hoc puncto... tum super... ».

[*Latin ed. p. 837*]

Rules to be observed in judgments before the Sacred Roman Rota Tribunal. 837 § 184. 1. The final sentence shall include a determination regarding the costs, specifying whether only one of the parties is to bear them, or whether both parties are to bear them, and in what measure the judicial costs are to be borne. 2. In interlocutory or incidental judgments, the condemnation for costs shall be reserved until the end of the litigation. § 185. 1. The losing party is condemned to pay the costs if the judges consider that he litigated rashly. 2. Full or partial compensation for costs shall be ordered if the parties yield, either in one of the points of contention, or in proportion to the victory achieved. 3. Compensation for costs is not prescribed if the judges consider that the losing party did not litigate rashly, so that no reimbursement of costs is made to the losing party, to the benefit of the winning party. 4. In matrimonial cases and others of a similar nature, account shall be taken of the poverty of the losing party, so that even if this party does not have a legitimate cause for litigating, compensation for costs shall nevertheless be awarded. However, if the losing party proves to be contumacious, and is not poor, it may nevertheless, due to the circumstances of the case, be more expedient to award compensation for costs. 5. In criminal cases, the person who suffers condemnation must pay the judicial costs, except in the case where the accused is deprived of all beneficial fruits by the very condemnation, and no other income is available to him. § 186. The assessment of costs, when their compensation is not possible, or when the parties do not agree on them by mutual consent, belongs to the presiding judge. § 187. The presiding judge or auditor shall draw up the judgment, faithfully setting forth the reasons for the decision in law and in fact, based on the votes of his colleagues; he shall also include the reasons

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for any dissenting opinions, and shall give answers to them: all of these things shall be explained briefly, in an orderly and distinct manner.

[*Latin ed. p. 838*]

Acta Apostolicae Sedis. - Official Commentary. 838 § 188. 1. The Relator or Auditor, after having rendered the judgment at the appointed time, through the Assistant of the Studies, will first present it to the Auditors of the session, and then to the Notary, so that they may affix their signatures. 2. The autographed text of the judgment is transmitted by the Assistant of the Studies to the Notary, attached to a protocol, so that he may preserve it in the records of the chancellery, and either he himself, or other notaries of the tribunal, shall prepare copies in authentic form, at the request of the parties or others who may have an interest. 3. Without a request, no copy shall be shown, except by order of the Relator or the Dean, according to the norm of canon 10, § 2 (Proper Law). § 189. The authentic copy shall bear the inscription of the name of the Supreme Pontiff reigning at the time, and shall contain the names of the Auditors who have endorsed the judgment with their signatures, along with the indication of the date on which the judgment was issued; finally, it shall contain the executive formula, and shall be signed by the Notary. § 190. The executive formula consists of a directive to be given to the diocesan Ordinaries and to the competent officials of the tribunals, so that they may ensure the perfect execution of the judgment, and that they may proceed against those who resist, according to the norms of the sacred canons, and especially chapter III, session 25, De ref., of the Council of Trent. Therefore, the following shall be added to the judgment, to be addressed to the officials of the tribunals: "We command the Ordinaries to whom it pertains, to order the execution of the present judgment, and to proceed against those who resist, according to the sacred canons, and especially chapter III, session 25, De ref., of the Council of Trent, using the executive and coercive means that may be most effective and appropriate for the circumstances." § 191. 1. The authentic copy, in its executive form, shall be fully notified to the procurator of the other party, when he has been appointed; otherwise, to the party themselves, and the notification shall be made by a bailiff. 2. If the party, who does not have a procurator, has a domicile outside the City, the notification shall be made through the diocesan Curia, under whose jurisdiction the party is located. 3. The diocesan Curia shall provide the Holy Roman Rota with proof that the judgment has been notified, indicating the date on which the notification was made.

[*Latin ed. p. 839*]

839. Rules to be observed in judgments before the Sacred Roman Rota Tribunal. § 192. Sentences shall be notified to the parties having an interest, except in the case where the tribunal determines, of its own accord, that

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notification must be given; and this shall occur whenever it is in the interest of the public good, or when other just reasons are present. TITLE VI. Concerning judicial expenses, damages to be assessed, and the rendering of accounts. CHAPTER I. CONCERNING THE ASSESSMENT OF JUDICIAL EXPENSES. § 193. 1. After the notification of the sentence, the prevailing party summons the losing party "to see the judicial expenses assessed and regulated," and presents a list of the judicial expenses, which, when substantiated by evidence, are assessed according to the relevant legal provisions, with the corresponding number for the assessment. 2. It may also be possible to make amends for damages, to the extent and as determined by law; that is, whenever the sentence prescribed the restitution of damages, which it pertains to the Judge to determine, according to the norms of the following chapter. § 194. The Judge, if there is opposition regarding the expenses, after considering the objections of the other party, and after discussing them as necessary, returns the computation of the expenses, in accordance with the law, and writes as follows: "Having seen and considered all things, and having regulated the judicial expenses for each party in this computation, for which he has assessed [the amount], he issued an executive mandate..." This decree shall be written on a sealed scroll, and presented by the party whose interest is involved. Regarding the summons, it shall be written as follows: "Provided for in the present order." § 195. 1. An appeal may be made against the Judge's decree to the same tribunal that issued the sentence condemning the expenses.

[*Latin ed. p. 840*]

Acta Apostolicae Sedis. - Commentarium Officiale. 840 °2. Hoc casu proponitur per memoriale, et ideo, studii Adiutor, super instantiarum appellatione, scribit: « Remisit instantiam ad turnum, et mandavit proponi per memoriale ». § 196. 1. Quaestio incidens circa taxationem expensarum iudicialium excogitari potest quoad ius unius partis adversus aliam, scilicet repetendi expensas iam solutas, quoties utraque pars contendit, se aut ex integro, aut in parte victoriam retulisse, cum nempe condemnatio in expensis decreta fuit pro rata victoriae. °2. Quoties Ponens aut studii Adiutor controversiam componere non valeant, vel partes non acquiescant decreto, controversia ad turnum remittitur, consueto rescripto, cauto tamen, ut duae partium instantiae pertractentur sub unico memoriali, scilicet contineantur sub unica quaestione dirimenda rescripto. Hinc si praedictae duae petitiones exhibitae fuerint ante decretum, fit remisit easdem ad turnum, rescriptum: « Praevia unione instantiarum, et mandavit proponi sub unico memoriali ». Si prolato iam decreto remissionis ad turnum, prodeat instantia alterius partis, sibi etiam victoriam adscribentis, providetur hoc rescripto : « Remisit instantiam memoriali ad turnum et mandavit proponi utramque sub unico ». § 197. 1. Si qui condemnantur in expensis sint plures, nequeunt considerari

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tamquam in solidum damnati, sed dumtaxat pro rata, habita ratione rei quam in iudicio expetebant, dummodo lex aliter non disponat in casu controverso, neque quaestio sit de obligationibus solidalibus. Curatores et administratores bonorum et locorum piorum, quando gravia adsint motiva, possunt damnari personaliter in expensis, absque ullo repetitionis iure. § 198. 1. Condemnatio in expensis non omnes complectitur expensas, factas pro singulis instantiis in variis iurisdictionis gradibus, nisi pars appellans appellationem interposuerit ab hoc quoque primae sententiae articulo. Tribunal, hoc etiam in casu, ex iustis causis, declarare potest fuisse compensatas expensas in antecedentibus instantiis factas, et condemnationem limitare ad solum iudicium S. Rotae.

[*Latin ed. p. 841*]

Rules to be observed in judgments before the Sacred Roman Rota Tribunal. 841 § 199. 1. If an appeal is brought before the Sacred Rota before the assessment of expenses has taken place before the diocesan court, it is the duty of the presiding judge, after the Rota's judgment, to assess the expenses incurred in the previous proceedings. 2. The list of expenses shall be presented to the chancery of the Sacred Rota by the victorious party, and shall be declared authentic by the chancellors of the tribunals, from which the individual lists are submitted. § 200. It is of the utmost importance that such matters be decided by the presiding judge, so that no appeal is made to Tournus, lest the litigation be unduly prolonged to the detriment of the parties, and a more expeditious and easier resolution be achieved. This observation should induce the parties themselves to readily comply with the requests of the presiding judge, diligently considering every reason for reconciliation in a good and equitable manner. CHAPTER II. CONCERNING THE PRESENTATION OF ACCOUNTS AND THE CALCULATION AND ESTIMATION OF DAMAGES. § 201. 1. When an opportunity is given for the presentation of accounts, the tribunal shall grant the party presenting the accounts a reasonable delay, with prior notice, so that, if, in the absence of a just cause, the list of expenses is not presented within the prescribed time, the party presenting the accounts may be required to take an oath regarding the amount due, without excluding other means of proof. 2. Unless Tournus expressly reserves this to itself, the approval of the calculation and the completion of the acts pertaining to this matter belong to the presiding judge, or to his assistant, in accordance with § 1% no. 4. § 202. 1. The list of expenses must be presented with the documents proving the expenses, and must contain: a) the state of affairs regarding which an account is to be given; b) the accounts of receipts and expenditures; c) debts to be collected and assets to be recovered.

[*Latin ed. p. 842*]

Acts of the Apostolic See. - Official Commentary. 842 2. Finally, it will

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contain a recapitulation and summary of the debts or credits, and it will be signed by the party, who, moreover, in the presence of the Prelate and the Notary, must swear to the truthfulness of each item in the accounts. 3. Those items of expenses of the smallest value, concerning which one cannot or does not wish to provide a receipt, may be admitted as verified, provided they are in conformity with truth and equity, with the reservation of the possibility of mentioning them, if it seems appropriate, in the document in which the oath is given. 4. The party rendering the account must inform the other party, through its representative, of the time and place at which such documents will be presented, after previous customary notification to the Prelate or the Examining Judge, or: "Notified." § 208. If a party must incur expenses for the purpose of preparing the computation, such as the services of an accountant or other necessary expenses, compensation for these may be granted in advance, according to the prudent judgment of the Prelate or the Judge. § 204. 1. With the consent of the parties, the rendering of accounts is approved by the following inscription: "By mutual agreement, the accounts are considered complete and approved, and are effective." and a mandate is granted through the rendering of accounts. 2. If the parties do not agree, the procedure shall be as in all other cases. § 205. For the computation of fruits to be sold or the restitution of damages, the provisions of the preceding paragraphs apply, with appropriate adaptations. § 206. 1. In cases of notification of a new work, when it must be proven that damage has been caused, whether the feared damage is just or whether a complaint is founded in law and fact, the Prelate or the Prelate, as may seem more appropriate, may use judicial means, or the services of experts, according to the rules of procedure established in the preceding paragraphs. 2. The provisions made in this matter are effective and unappealable, according to §§ 83 et seq., firmly binding the parties, and a suitable guarantee should be given, which will be accepted, provided that it is truly sufficient to prevent any risk of damage.

[*Latin ed. p. 843*]

Rules to be observed in judgments before the Sacred Roman Rota Tribunal. 843 TITLE VII. Concerning exemption from judicial expenses, concerning their reduction, and concerning gratuitous legal assistance. § 207. 1. The plaintiff or the defendant, or both, if, because of poverty, they are unable to bear the judicial expenses, have the right to be exempt from them, and at the same time, provision shall be made for gratuitous legal assistance, with an advocate assigned who will provide gratuitous assistance or free service, unless the parties, or one of them, wish to present their case and defend their rights before the judges themselves. (Proper Law - Appendix, Chapter IV). 2. If the condition of poverty of the litigants is such that they can partially pay the expenses, provision is made for the reduction of the judicial expenses that would otherwise be due, always

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with the concession of gratuitous legal assistance, as stated in the preceding paragraph. 3. If a decree is issued for the reduction of only certain judicial expenses, the one who issued such a decree must also establish the limits within which the reduction is granted; for example, to one-half or two-thirds of the expenses, so that, in proportion to the reduction granted, the revenues due to the Holy See, whether in the form of taxes or expenses as mentioned in paragraph 5, are also reduced, as well as the revenues that are due [in compensation for the work [performed by the tribunal's officials. 4. Consequently, with the granted exemption or reduction of judicial expenses, all expenses that would have been due by the party must be recorded in the accounting books, unless that party benefits from such a concession. 5. Expenses for the translation of documents from one language to another, for the transcription of documents or for printing, for the presentation of witnesses or for the completion of expert opinions, and so on, are paid by the tribunal, with the reservation of the right to reimbursement, either in part, if a reduction of expenses has been granted, or in full, as is cautioned in the last paragraph of this section. § 208. The petition shall be presented to the presiding judge, accompanied by appropriate documents, not only concerning the condition of poverty, but also concerning the merits of the case, provided that, with regard to the merits, no action is taken in the case that has been referred to the Sacred Roman Rota Tribunal by a commission.

[*Latin ed. p. 844*]

Acta Apostolicae Sedis. - Official Commentary. § 209. 1. Before proceeding to the admission or rejection of a petition, the presiding judge shall hear the opposing party, the Promoter of Justice, and in cases concerning the bond of matrimony or the validity of religious profession, or of Holy Orders, the Defender of the Bond, the Dean of the Consistorial Advocates, and, if it seems necessary, shall also seek out other information. 2. The aforementioned persons shall be summoned by the presiding judge through a messenger, to deliberate together, if special circumstances require it, at the discretion of the presiding judge. § 210. An appeal may be made to Tournon or the assembled group of Auditors, to whom the case is to be judged, regarding a decision by which exemption or reduction of judicial expenses, and free legal assistance, are denied, by raising an incidental question. § 211. To the persons concerning whom a petition, either for free legal assistance or for a reduction of expenses, is made, notification shall be given, along with the necessary documents, for deliberation regarding the same petition. Information regarding the remaining documents may be obtained from the registry of the tribunal. § 212. This procedure is not applicable when the Curia, which transmits the records of the case for the purpose of appeal, attests to the poverty of the party, who has already been admitted to exemption from expenses and to free legal assistance in a prior

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judgment: in such a case, the fact of poverty shall be considered notorious and uncontested, provided that it is established that the party in question has a legitimate claim. § 213. Both in this case, and in others in which free legal assistance, with exemption from all or part of the judicial expenses, has been granted by the presiding judge, it is permissible, not only for the presiding judge, but also for the opposing party, the Promoter of Justice, and the Defender of the Bond in the cases indicated in § 209, as well as for the Dean of the Consistorial Advocates, to request that Tournon revoke said benefit, if it is not established from the records of the case or from other documents that the asserted poverty is present; or if, for some reason...

[*Latin ed. p. 845*]

Rules observed in judgments at the Sacred Roman Rota Tribunal. 845. If the foundation or good faith is lacking, the privilege granted is not to be observed. § 214. This petition constitutes a case that is developed through a memorial before the turn or the group of Auditors, who must decide the principal question. § 215. 1. The decree, granting gratuitous legal aid, must, in accordance with n. 6, cap. IV of the Appendices (Proper Law), designate the person who will be the lawyer, who will have the mandate, as is stated in the following paragraph. 2. The one assigning the lawyer will designate him, with the prior consent of the Dean, who, in accordance with canon 45, § 2 (Proper Law), will provide his signed mandate for gratuitous legal aid, and nothing else is required from the party to whom the lawyer is to provide assistance. § 216. If the lawyer to whom gratuitous legal aid is assigned does not properly fulfill his office, he will be recalled by the one assigning him, ex officio, or at the request of the interested parties or the Promoter of Justice. § 217. It is the duty of the Promoter of Justice to ensure that gratuitous legal aid is not granted improperly, nor is this aid negligently or fraudulently exercised; therefore, if necessary, he will intervene with the one assigning the lawyer and also with the turn, if the one assigning the lawyer does not accept the petition, or if the execution of the order of the turn is not demanded. § 218. 1. If the party who has used gratuitous legal aid obtains a victory, and obtains a sum of money or any property whose value is more than five times the amount that would have been paid for judicial expenses, nothing shall be deducted from that sum of money or from the property obtained in court for taxes, retentions, or payments; rather, judicial expenses shall be required from this party, but not the fees of the lawyer or procurator. 2. If, on the other hand, the same party does not obtain a victory, but the opposing party is condemned to pay judicial expenses, this party will pay not only the judicial expenses, but also the fees of the lawyer or procurator of the other party.

[*Latin ed. p. 846*]

Acta Apostolicae Sedis. - Official Commentary. 846 TITLE VIII. Concern-

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ing the renunciation of the instance, of the judicial action, and of other causes' acts. § 219. 1. The part which intends to issue a renunciation, according to the norm of canon 34 (proper law), can effect this in any state and stage of the cause. 2. In order that the renunciation be admitted by the judge, it must be absolute, subject to no condition or reservation, given in writing, signed with the indication of the place and time, by the renouncing party, or by his procurator, but endowed with a special mandate. 3. Concerning the renunciation of ecclesiastical things or rights which constitute the object of the litigation, the common law must be observed, as far as necessary, regarding the obtaining of the approval of the Apostolic See. 4. In order that the renunciation may have its effect, it ought to be accepted by the other party, to whom notification must be given; it is understood to be accepted, if, within a reasonable time-limit to be assigned by the proponent, it is not impugned. 5. It must be admitted by the proponent who will have charge, so that the conditions indicated above are observed. 6. A renunciation, not impugned by the other party within the due time, or impugned in spiritual causes and in others concerning the public good, for reasons which appear to the judge not to be deserving of consideration, and therefore admitted by the judge without the acceptance of the other party, nevertheless fully obtains its legal effect. § 220. A renunciation made by the plaintiff or the defendant after the pronouncement of the sentence, is equivalent to a final and irrevocable judgment against the renouncing party. § 221. If a question concerning the validity of the renunciation arises in an incidental proceeding, it shall be referred to the turn or to the assembly of Auditors to which the matter pertains; if, however, it arises in the principal proceeding after the judicial instance has already been exhausted, either in the first or in the appellate instance before the turn, it shall be referred to the tribunal of the Apostolic Signatura.

[*Latin ed. p. 847*]

Rules to be observed in judgments before the Sacred Roman Rota Tribunal. 847 § 222. If the party to whom an oath of secrecy is given, according to § 31, no. 4, fails to provide it; or if, having been ordered to deposit a certain sum of money, does not comply with the decree, unless he has legitimately obtained an exemption from expenses; or if, within the prescribed time limit for excuses, he neglects or refuses, without a legal reason, to pursue the case or to perform any act, he is considered to have renounced his right; and therefore, the presiding judge may declare by decree that the party, or the case itself, or the placing or performance of a certain judicial act or instruction has been abandoned, according to the firm prescription of § 28, no. 3, and also § seq. § 223. The party who renounces must pay the expenses of the judgment, or at least the expenses of the individual acts pertaining to the renunciation.

TITLE IX. Concerning appeals from sentences or decrees of the Rota. §

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224. 1. An appeal may be made from a final sentence of the Rota, which is not in conformity with a sentence issued by the Sacred Rota or by another tribunal, and therefore is not confirmatory of the same, to the next following term, according to canons 12 and 33 (Lex propria). 2. Appeals from incidental or interlocutory sentences are to be heard by the same tribunal that issued the sentences. 3. If a final sentence is pronounced, and an appeal is interposed concerning an incidental sentence decided in the final sentence, the appeal is referred to the next following term, as in the preceding no. 1. § 225. If a sentence includes several points or doubts, and concerning some points it is confirmatory, and concerning others it is revocatory, an appeal is not granted for that part which has already been decided by two conforming sentences, except in the case where one part is connected with another and is accessory to it.

ACTA, vol. I I, n 20. — 25-10-910. 5 6

[*Latin ed. p. 848*]

Acta Apostolicae Sedis. - Official Commentary. 848 § 226, 1. If a question arises concerning the right to appeal or not, according to the two preceding paragraphs, the decision shall be made by Tournon, to which the appeal judgment pertains. 2. Sentences defining this controversy are unappealable, except for recourse to the supreme Tribunal of the Signature. § 227. An appeal, interposed within the prescribed time and according to the prescribed forms, produces a suspensive effect, except in cases in which, either by law or by decree of the judge, provisional execution takes place. § 228. When provisional execution, requested in the first instance, has not been granted, it may be requested through an incidental petition and through a memorial in the appeal judgment. § 229. 1. If provisional execution has been prescribed, according to § 84, the appellant may not, from Tournon, seek the revocation of that execution or the inhibition of execution. However, he may request that a suitable and equivalent guarantee be substituted for the provisional execution. 2. This substitution must be requested through an incidental petition and with notification to the other party. § 230. 1. In the appeal judgment, new doubts concerning the merits of the case may not be raised, which, if raised, must be rejected by the presiding judge or by Tournon ex officio. 2. New evidence may be presented, as well as incidents and exceptions relating to the principal question. 3. It may be requested, as the matter allows according to the definitive sentence, either interest or fruits that have accrued after the sentence, or the reparation of damages suffered by a party after the same sentence. § 231. If the judges of Tournon, from which the appeal is made, have left certain of the proposed doubts unresolved, by responding "Deferred" or "Not Proposed," the appeal pertains only to the doubts decided, and also to those which have not

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yet been decided.

[*Latin ed. p. 849*]

Rules to be observed in judgments before the Sacred Roman Rota Tribunal. 849, provided that they have a connection with the decisions and are considered as supplementary to them. § 232. 1. Even in appellate judgments, the intervention of a third party is permitted, according to § 97. 2. The aforementioned party, intervening voluntarily, is considered to be appealing from the previous judgments, as if they had been issued against him. § 233. 1. In any case, an appeal interposed by the plaintiff against the defendant, and vice versa, will be useful. 2. An appeal interposed by one or more parties to the lawsuit will benefit all those who are included in the judgment. § 234. Even in an appellate judgment, acts that are not preparatory or executive, unlike in the initial instance, are completed by the presiding judge of the appellate division. § 235. 1. An appeal is interposed by means of a petition presented to the presiding judge of the appellate division who issued the judgment or decree; however, if the judgment is appealable according to the preceding paragraphs, he writes: "Let it be admitted and proceed to the further stages, and let this be notified." The same rescript is given by the presiding judge if a decree issued by him is appealed; however, he adds: "Proceed to the further stages by means of a memorial or a written agreement." according to §§ 86 seq. 2. The appeal request must include a motivated complaint, unless it concerns appeals legally interposed in matters of marriage. 3. If the appeal is presented by a procurator, he must simultaneously deposit the power of attorney for the prosecution of the appeal in the registry. § 236. 1. The appeal must be interposed within ten days, which run from the notification of the judgment or decree. 2. If, within six months from the filing of the appeal, the appellant does not perform any judicial act to prosecute the appeal, the appeal shall be deemed abandoned, and the judgment shall become final and executory.

[*Latin ed. p. 850*]

Acta Apostolicae Sedis. - Official Commentary. 850 § 237. The Reverend Dean, having legitimately granted the right of appeal against the definitive sentence, will determine by his decree the tribunal which, according to canon 12, § 3 (Proper Law), must judge the appeal. § 238. The following procedural rules apply to these appeals, which are the same as those established for appeals in the first instance before the tribunal. Sacred Roman Rota.

[*Latin ed. p. 851*]

Year II. - Volume II. November 10, 1910. No. 21.

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ACTA APOSOLICAE SEDIS: OFFICIAL COMMENTARY

ACTS OF POPE PIUS X

LETTERS OF THE HOLY FATHER

I. A NEW ARCHDIOCESE OF SIMLA IS ESTABLISHED (SIMILA) IN EASTERN INDIA.

PIUS PP. X.

For the sake of posterity.

The ardent desire which impels Us, namely, to spread the Kingdom of Christ throughout the earth, reminds Us that, when in any region the number of the faithful increases, and when the duties of Bishops, as well as the benefit of the flock itself, seem to demand it, We must, considering the changed conditions of those places, take the most prudent measures. Since, among the vast multitude of people who inhabit the northern part of Eastern India, the number of the faithful, with the help of God, is constantly increasing, and since it is daily of the greatest importance that their number be increased and multiplied; We, together with the Most Reverend Fathers, Our Brothers, Cardinals of the Sacred Congregation for Propagating the Faith, to whom We have entrusted the task of spreading the Christian name, have decided to establish a new Metropolitan See there. Wherefore, with certain knowledge and mature deliberation, and by the fullness of Our Apostolic power, by Our own motion, We separate and detach certain districts from the Archdiocese of Agra and certain districts from the Diocese of Lahore, and We establish and constitute them into an Archdiocese, the seat of which We wish to be located in the city of Simla, and We determine the suffragan churches pertaining to it. Furthermore, We willingly entrust this new Archdiocese to the apostolic care of the Order of Friars Minor Capuchin, since they deserve to diligently and constantly promote the Catholic Religion among the Indians. Finally, with the votes of Our most beloved sons, the Most Reverend Cardinals of the aforementioned Sacred Congregation for Propagating the Faith.

[*Latin ed. p. 852*]

Acts of the Apostolic See. - Official Commentary. 852, having been made, or, as the Venerable Brothers, the Archbishop of Agra and the Bishop of Lahore, to whom it had been entrusted to define the boundaries of this archdiocese, have kindly presented them, We have decreed that the following districts shall constitute the same archdiocese. Therefore, the districts

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commonly known as "Simla, Ambala, Hissar, Karnal, Patiala, Nakha, Jind, Loharu, and Maler Kotla" shall be separated from the Archdiocese of Agra, and the districts commonly known as "Mandi, Suket, Kulu, Lahul, and Spiti" shall be separated from the Diocese of Lahore, and from all of these, a new archdiocese shall be constituted, which is to be called the Archdiocese of Simla. We declare that these present letters shall be firm, valid, and efficacious, and shall have and obtain their full and complete effect, and that those to whom they pertain, and who may pertain to them, shall fully support them in all things and through all things, and that in the aforementioned matters, any judgment and definition shall be made by ordinary and delegated judges, and that it shall be void and null if, by anyone, knowingly or unknowingly, any attempt is made to alter them in any way, contrary to these. Notwithstanding Our own and the regulations of the Apostolic Chancery regarding legal matters, and other Apostolic Constitutions and Ordinances, and other matters worthy of special and individual mention and derogation, to the contrary. Given at Rome, at St. Peter's, under the Fisherman's ring, on the 13th of September, 1910, in the seventh year of Our pontificate. R. L. I. (Signed) S. CARD. MERRY DEL VAL, Secretary of State.

A NEW APOSTOLIC VICARIATE OF "KILIMA-NJARO" IS ESTABLISHED IN EASTERN AFRICA.

PIUS PP. X.

For the sake of future remembrance. - In this highest pinnacle of the priesthood to which We have been elevated, and since it is especially dear to Us that the name of Christ may be spread as widely as possible throughout all lands, We establish new missions in those places where the increase in the number of the faithful seems to require it. Therefore, since the Apostolic Vicariate of Bagamoyo in Eastern Africa, recently established, has, with the help of divine grace, experienced not a small growth, We have considered it opportune, so that the needs arising in that region may be more easily addressed, and that the progress of the Catholic faith may be more vigorously fostered, to separate a portion from such a Vicariate.

[*Latin ed. p. 853*]

853 The Acts of Pope Pius X established a new Mission in the northern region. Therefore, having considered all matters with our Venerable Brothers, the Cardinals of the Sacred Congregation dedicated to spreading the Christian faith, with careful deliberation, by our own authority and with certain knowledge and mature deliberation, and by the fullness of our Apostolic power, we separate the aforementioned northern portion of the Apostolic Vicariate of Bagamoyo from the rest of its territory, and we erect and establish it as a new Apostolic Vicariate, to be called Kilima-Njaro,

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whose boundaries are as follows: to the North, the Apostolic Vicariate of Zanzibar; to the East, the Indian Ocean; to the West, the Apostolic Vicariate of Unianembe; and to the South, it is defined by the course of the Msangassi River, from its mouth into the Ocean, up to Mgera – which place remains part of the Vicariate of Bagamoyo – and then by a line that proceeds westward to the boundaries of the Vicariate of Unianembe, near the lake of Balangidda, north of the place of Jrangi. Furthermore, we establish this new Apostolic Vicariate of Kilima-Njaro in such a way that it shall enjoy all rights, honors, privileges, and indulgences, by which Apostolic Vicariates of this kind are distinguished, and we entrust it, with our Apostolic authority and with a most benevolent will, to the care of the students of the Congregation of the Holy Spirit and of the Immaculate Heart of Mary. We decree that these present letters shall be firm, valid, and efficacious, and shall have and obtain their full and complete effect, and that they shall fully suffice for those to whom they pertain, in all things and through all things; and that, accordingly, all matters pertaining to this shall be judged and determined by any ordinary or delegated judge. And they shall be declared void and null, if anyone, with any authority, knowingly or unknowingly, should attempt to alter them in any way. Notwithstanding our own regulations and those of the Apostolic Chancery concerning the law not to be repealed, and other Apostolic Constitutions and Ordinances, and other matters worthy of special and individual mention and derogation, to the contrary, whatever they may be. Given at Rome, at St. Peter's, under the Fisherman's Ring, on the 13th of September, 1910, in the eighth year of our pontificate.

R. L. £B

S. CARD. MERRY DEL VAL, Secretary of State.

[*Latin ed. p. 854*]

Acts of the Apostolic See. - Official Commentary. 854. SACRED CONSISTORY CONGREGATION. I. DOUBTS CONCERNING THE DECREE "MAXIMA CURA." Since certain Ordinaries have proposed certain doubts regarding the force and interpretation of the decree "Maxima Cura," the Sacred Consistory Congregation, at the mandate of His Most Holy Father Pope Pius X, responded to these same doubts on October 3, 1910, as follows:

1. Whether examiners, as prescribed by canon 4, can be used in examinations for the collation of benefices, and whether they are the same as the examiners of whom the Council of Trent, in Session 24, chapter 18, decreed concerning reform; or rather, whether they are distinct and are to be used only for determining dismissal.

R. Affirmative in the first part, negative in the second.

2. Whether the examiners, whether synodal or pro-synodal, currently in office, are, by the same decree, relieved of their duties.

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R. The final provision of the decree must be observed.

3. Whether Ordinaries, when a Synod is not held, still require a dispensation from the Holy See for the selection of examiners.

R. Negative.

4. Whether Ordinaries can choose a religious priest as an examiner or consultant.

R. Affirmative, provided the religious priest is a parish priest, if he is chosen as a consultant.

5. Whether they can choose someone from outside the diocese.

R. Affirmative in small dioceses, or whenever a just reason intervenes.

6. Whether the Ordinary can include his vicarius general in the number of examiners.

R. It is not advisable.

7. Whether several parish priests can be included among the examiners.

R. Affirmative.

8. Whether one and the same person can be both examiner and consultant simultaneously.

R. Affirmative, but not in the same case. However, it is generally advisable that more offices not be accumulated in one and the same person.

[*Latin ed. p. 855*]

Sacred Congregation Consistorial. 855 9. Whether the diocesan consultants, concerning whom mention is made in § 2, canon 4, whose consensus (whenever the cathedral chapter is lacking) is required in the election of examiners and parish consultants, are the same as the aforementioned college of parish consultants. R. Negatively; but the diocesan consultants stand in the place of the chapter in some dioceses where the cathedral chapter has not yet been able to be established. 10. Whether, in calculating the seniority of an election, account should be taken of previous elections; or whether only the present election should be considered, so that, for example, someone who has been elected twice or three times should not be considered more senior than someone who is elected for the first time, provided that the election takes place on the same day. R. Negatively, according to I a m 11. Whether the calculation of seniority and the admission of any examiner or consultant, for this reason illegitimate, renders the acts null. R. Negatively. 12. Whether the oath prescribed in canon 7 must be renewed each time in each case, or whether it is sufficient to issue it once after the election or in the first meeting. R. It is sufficient to issue it once, during their term of office, provided that it has been issued for all cases. However, the Ordinary may require examiners and consultants to renew it in particular cases, if he deems it expedient. G; L. CARD. DE LAI, Secretary. S. Scipio Tecchi, Assistant. II. TO THE MOST

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EXCELLENT MAN, CLAUDE, CARDINAL OF THE HOLY ROMAN CHURCH, VASZARY, ARCHBISHOP OF STRIGONIUM (BUDAPEST) AND PRIMATE OF HUNGARY. My Lord, My Revered One, The letters of Your Eminence, also given in the name of all the prelates of Hungary, dated September 27th, have reached the Most Holy Lord. Indeed, He received them with accustomed kindness, and with no less care, as the importance of the matter demanded; and He commanded me to communicate this to Your Eminence and to the other prelates. Furthermore, the intention of Our Holy Lord is that the law should be firm by which it is prohibited that newspapers and commentaries, even the best, which nevertheless concern political matters,

[*Latin ed. p. 856*]

Acta Apostolicae Sedis. - Official Commentary. 856. Concerning matters that occur daily, or concerning social and scientific questions which are likewise being discussed daily, but regarding which a definitive opinion has not yet been reached, these, I say, should not be freely left in the hands of the seminary students. However, nothing prevents superiors of the seminary, or teachers, if the matter concerns scientific questions, from reading articles from such newspapers and commentaries to the students, or from assigning them to be read in their presence, if they deem them useful or appropriate for the students' instruction. Commentaries, however, in which there is nothing controversial, but which contain religious news, decrees and dispositions of the Holy See, acts and ordinances of Bishops, or other matters which, although periodical, are nothing more than readings useful for fostering faith and piety, these, I say, may, with the approval of the directors of the seminary, be left in the hands of the students during the time free from study and other prescribed duties. While I signify this to you in fulfillment of my duty, I humbly kiss your hands and profess my heartfelt obedience to Your Eminence. Rome, October 20, 1910. Your most devoted servant, CAJETAN, Secretary of the Sacred Congregation.

III. DECLARATIONS REGARDING THE OATH REQUIRED BY THE MOTU PROPRIO "SACRORUM ANTISTITUM." The following doubts have been proposed to this Sacred Congregation concerning the Motu Proprio Sacrorum Antistitum, published on September 1st last: I. Whether one who, at the present time, holds several offices or benefices, can perform only one oath, or whether they are obliged to pronounce as many oaths as they hold offices or benefices; II. Before whom the superiors general of religious orders or congregations should administer such an oath; III. Whether a vicar general can be delegated by a Bishop, in a general manner, to receive the oath; IV. Whether, in the case of several persons who are present together, the formula of the oath must be recited individually by

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each of them, or whether it is sufficient for it to be recited by one of them.

[*Latin ed. p. 857*]

(Sacred Congregation of the Consistory. 857. Whether vicars of parishes, confessors, and those who administer the sacraments, should renew their oath annually, and whether this faculty should be extended to them each year; 6. Whether parish priests, in places distant from the residence of the Bishop, are to take the oath before vicars general, or whether it suffices that they submit the form of the oath, signed by themselves, to the Bishop; 7. Whether new beneficiaries are to subscribe to both the form of profession of faith and the form of oath. His Holiness Our Lord Pope Pius X, in an audience on October 21, 1910, to the Most Eminent Cardinal Secretary of the Sacred Congregation of the Consistory, ordered that the following be answered: To question 1, it suffices to take one oath, but beforehand, faith must be demonstrated to him who has the right to demand another oath; To question 2, the General Superiors, who actually preside over an Order, Congregation, or Institute, before the Fathers of their own Definitorium, or Assistants, or General Consultors; and the General Superiors who are elected in the future, before the President of the General Chapter; To question 3, affirmatively, after he himself has taken the oath in the hands of the Bishop; To question 4, it suffices that, while the form of the oath is recited by one, the others, having taken the oath, subscribe to that same form; To question 5, negatively; To question 6, for this first occasion, it suffices that the aforementioned parish priests sign the form of the oath according to the Indult of September 25th, that has now passed; but in the future, parish priests are to be held to take the oath before him from whom they obtain possession of the benefice; To question 7, concerning the profession of faith, nothing is to be changed; concerning the oath, the disposition of the Motu Proprio of Sacred Prelates is to be observed. Given at Rome, from the offices of the Sacred Congregation of the Consistory, on October 25, 1910. C. CARD. DE LAI, L. £8 S. Secretary. Scipio Tecchi, Assistant. IV. APPOINTMENTS OF BISHOPS. His Holiness Our Lord Pope Pius X, by decree of the Sacred Congregation of the Consistory, appointed: September 5, 1910. — The Reverend Father Vincent Pisani, already Bishop of Anglonen and Tursien, as Apostolic Administrator of the same diocese.

[*Latin ed. p. 858*]

Acta Apostolicae Sedis. - Official Commentary. 858, October 1, 1910. — The Reverend Father Adulphus Turchi, Bishop of Caiacen, was appointed Administrator Apostolic of the diocese of Aversa. October 12, 1910. — The Reverend Edward Brettoni, priest of the archdiocese of Florence, was appointed Bishop of the cathedral church of Regiae (Reggio Emilia). October 18, 1910. — The Reverend Maximilianus Crespo, priest of the archdiocese of Popayán, was appointed Bishop of the cathedral church of Antioquia in

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the Republic of Colombia. — The Reverend Franciscus Christophorus Toro, priest of the diocese of Antioquia, was appointed Bishop of the cathedral church of Socorro. October 3, 1910. — The Most Holy Lord transferred the Reverend Father Ioachimus Antonius d'Almeida, from the cathedral church of Piahun to the newly established diocese of Natal in Brazil. Moreover, the same Most Holy Lord commanded that Letters Apostolic be issued under the seal for the proper execution of this matter. V. ERECTION OF DIOCESES. The Most Holy Lord Pope Pius X, by decree of the Sacred Congregation Consistorial, erected: October 19, 1910. — A new apostolic prefecture of Fluminis Nigri (Rio Negro) in Brazil, with the following defined limits, namely, in that part which is to the east of the sun and between the east of the sun and the north, the territory of the prefecture commonly called Rio Branco; in that part which is between the north and the west of the sun, the territory of the Republics of Venezuela and Colombia; in that part of the sun, the division which is between the south and the waters flowing into the River Negro. This line, which departs from the confluence of the River Negro and the River Albi and, through the aforementioned division of waters, proceeds from the western side of the River Negro to the Colombian border, shall serve as the dividing line between the prefecture which is being erected and the diocese of Amazonas, as well as the prefectures now called Tefé and Solimões Superior.

[*Latin ed. p. 859*]

The Holy Congregation of Propaganda Fide. 859. The Holy Congregation of Propaganda Fide, concerning the appointments of Bishops. By Apostolic Brief, the following were appointed: August 17, 1910. — Reverend Father Paul Perini, of the Society of Jesus, appointed Bishop of the cathedral church of Mangalore (Mangalore, India). September 13, 1910. — Reverend Father Ludovicus Munsch, of the Congregation of the Holy Spirit and of the Immaculate Heart of Mary, appointed Bishop of Gnesius and Apostolic Vicar of Kilima-Njaro. — Reverend Father Raphael norum, appointed Bishop of Presutti, titular Order of the Brothers of Anchialensis, in Mahdia, in Eastern Africa; titular and Apostolic Vicar of Arabia. — Reverend Father James Romanus Bilsborrow, of the English Congregation of O.S.B., appointed Bishop of the cathedral church of Port-Louis, on the island of Saint Mauritius. September 15, 1910. — Reverend Father Franciscus Bonne, appointed Archbishop of the cathedral church of Tokio (Tokyo).

[*Latin ed. p. 860*]

Acta Apostolicae Sedis. - Official Commentary. 860 SACRED ROMAN ROTA OF UXENTO (Ugento). OF JURISDICTIONAL MATTERS. Under the blessed reign of Pope Pius X, in the seventh year of his pontificate, on July 9, 1910, the Most Reverend Fathers and Doctors Gustavus Persiani and

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Wilhelm Auditore Sebastianelli, acting as judges in the matter of "Uxento, in the degree of Mercy," with the advocate "Iurium," rendered a definitive judgment against the representation presented by the Reverend Vincent Nazareno Patrizi of Tournon, the procurator for the parish of Castrignano del Capo, in an appeal concerning the Sodalitas "Mater Misericordiae" of that parish.

In the town of Castrignano del Capo, within the Diocese of Uxento, a church dedicated to the Blessed Virgin Mary, conceived without sin, was built in the year 1639, and within that year, a lay sodality was established, bearing the title "Mater Misericordiae," which received the approval of regium, which they call, on March 3, 1777. In that church, there was a single altar dedicated to the Immaculate Mother of God, where her image was venerated; but in addition, there were two statues of the Holy Martyrs Cosmas and Damian, exposed for the veneration of the faithful.

A certain Gaspar Trazza, desiring to increase his devotion to the Holy Martyrs, wished to have another altar built in the same church in the year 1853, and ordered that it be dedicated to those same Saints. Consequently, the cult of the Holy Cosmas and Damian increased, and their feast day, celebrated on September 27 each year, began to be observed with greater solemnity and with a larger gathering of the people. On the occasion of this feast, offerings from the faithful were also collected in the church.

Some years later, the Reverend Franciscus Margarito, the Rector of the Sodalitas, claimed that these offerings belonged to him, and he brought a case before the Uxento court against the parish priest, Chiffi, who maintained that the offerings were owed to him. It is said – although the documents are lacking – that the matter was decided initially in favor of the Rector, and then in favor of the parish priest.

With matters standing in this state, the same question arose again between the Rector of the Sodalitas, the Reverend Thomas Stefanachi, and the parish priest of the place, the Reverend D. Aloysius Margarito, who, disregarding the reasons presented by the Rector, maintained that the offerings belonged to the faithful.

[*Latin ed. p. 861*]

The Roman Rota, in the year 1906, claimed 861 offerings, stating that it would continue to act in this manner in the future. However, the Sodality firmly resisted the Parish Priest; and, through the ministry of its President, presented a petition on September 24, 1907, requesting that the Parish Priest, Reverend Father Aloysius Margarite, be summoned before the Judge of Uxentino, and that the proposed question be resolved by this Judge, in accordance with the order of law. An incidental question arose regarding the procedure to be followed in this case, and on January 20, 1908, a judgment was issued, which prescribed a summary procedure. Against this judgment, an appeal was lodged by the Sodality before the Metropoli-

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tan Judge of Hydruntin, on February 17 of the following year; but this appeal was rejected by the Judge on September 18, 1908. Therefore, the plaintiff, on October 5 of the following year, requested that the case be pursued with a summary procedure; which, after being introduced on March 13, 1909, was concluded in the first instance on August 13-17 of the same year. However, the outcome of the judgment did not satisfy the Sodality, which stated: "We reject the request of the Brotherhood 'Mater Misericordiae'; the judgment confirms the right of the aforementioned Parish Priest to perform the functions and collect the offerings during the novena and feast of the Holy Physicians, by a reasonable custom, because it is based on a previous right that he had in the chapel of the Brotherhood; but we also urge him, as in the past, to invite the clergy for the dignity of the solemnity, and to give each priest a fair compensation for the work performed." From this judgment, the Sodality appealed to the H. S. O. on October 4, 1909, to which the question is now to be resolved, with the following points established: I. To whom belongs the right to celebrate the sacred functions, as well as to receive and administer offerings on the occasion of the feast of Saints Cosmas and Damian, in this case? II. By whom should the expenses of the first instance of the judgment be borne in this case? In fact, the RR. PP. DD. Auditors considered it necessary to establish the following beforehand: 1.° The Sodality "Mater Misericordiae" had its beginning of erection before the year 1777, since on March 3 of that year, its existence was recognized by royal authority and approval, and also the same regulations were approved under certain conditions; which implies that the Sodality obtained a canonical erection in a previous time, although the precise date of the concession is not recognized. And indeed, at that time, the Sodality...

[*Latin ed. p. 862*]

862 Acta Apostolicae Sedis. - Official Commentary. There existed a canonically erected foundation; for in a certain document presented to Ferdinand IV, King of both Sicilies, in order to obtain his approval, and signed by nearly one hundred confreres, it is written: "The brothers of the Congregation under the title of St. Mary of Mercy in the territory of Castrignano del Capo in the Province of Otranto reverently declare that for many years, the aforementioned Congregation has existed in that territory, and in it, etc." This is indeed true, so much so that in the information and petition presented to the Royal Majesty by the Chapel Master, mention was made by the Sodality of goods acquired; it is written: "that the aforementioned Congregation cannot make purchases from the Royal domain, since it is included in the law of amortization, and that just as the legal existence of this Congregation begins on the day of the granting of the Royal Assent in its foundation and rules, so the rights of the parties for purchases made prior to the same remain intact, the whole being, as an illicit body, incapable, according to the tenor of the

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Royal Decree of June 19th of the past year." 2. Regarding the possessions of the Church initiated by the Sodality, the conditions of these acquired possessions are entirely unknown to the Parish Priest, since no document of this matter exists, as the Parish Priest himself states. This one thing is certain: there was no dispute between either party until the year 1863, when the Parish Priest began to contend with the Rector of the Sodality regarding the right to collect offerings made by the faithful on the occasion of the feast of St. Cosmas and St. Damian. 3. Although in the Church of the Sodality, next to the image of the Immaculate Mother of God, venerated without blemish by the faithful, there existed a special chapel dedicated to St. Cosmas and St. Damian since the year 1639, it is certain that their feast was not celebrated with public worship and devotion until the year 1853, when Gaspar Trazza took care to erect an altar in their honor; only then did the Saints be celebrated with special devotion by the people on September 27th, and offerings were also made by the faithful in their honor; "after the construction of the altar in 1853, the offerings in honor of the Saints began to take place." Regarding the legal question, the Most Reverend Auditors noted that the "Mater Misericordiae" Sodality of Castrignano del Capo has been in possession of the Church of the Immaculate Conception for almost two hundred years, and that no condition appears to have been imposed on this possession, and that in achieving the purpose of its foundation, during all this time, it has continued.

[*Latin ed. p. 863*]

The Roman Rota has ruled that [religious] confraternities are to be favored by the law, whether concerning the Church they possess, or concerning all the rights granted to lay confraternities, unless the contrary has been demonstrated. Indeed, from the celebrated Decree of the Holy Congregation of Rites, dated December 10, 1703, it is established that lay confraternities erected within the limits of a parish have the right to perform all religious functions, without any dependence on the parish priest, except those which are of the parish's own right. The question posed under number 3 was: "Do confraternities erected in other public churches have any dependence on the parish priest within whose parish limits those churches are located, concerning the same (non-parochial) functions?" The answer was: "No." Moreover, these same confraternities have the right to administer offerings, even if these are of the parish's own right; for the question posed under number 28 was: "Can the parish priest interfere in the administration of offerings, alms collected in the aforementioned churches, or retain the key to the box for them?" The answer was: "No." And the reason for this decision lies in the fact that churches in which lay confraternities are erected, although located within the limits of a parish, have no dependence on the parish priest. Nevertheless, the parish priest can claim what is due to him by common law; but only then, if they allege that the right arises either from

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the law of foundation, or from synodal and provincial constitutions, or from an unforgettable custom, or at least a centennial one. Indeed, the aforementioned Decree concludes as follows: "The Holy Congregation of Rites, after mature deliberation, considered it fitting to respond in this way, and thus (with due regard for any conventions and agreements perhaps made in the erection of the confraternity, agreements entered into between the parties, and approved by the Holy See, indulgences, synodal and provincial constitutions, and unforgettable customs, or at least centennial ones) declared and decreed on December 10, 1703." In this matter, the theory of all Doctors is peaceful and consistent, confirmed by the jurisprudence of the Rota, and followed by the Holy Congregations. Cardinal De Luca, in *Theatrum Veritatis*, Discourse 31, number 6, on Parishes, says: "Churches, indeed, if founded within the limits of some parish, are not said to be subject to that parish, nor to have any dependence on it, unless it is proven by law of foundation, or by legitimate custom, or otherwise specifically." And concerning the faculty of celebrating solemnities not prejudicial to the parochial right, not only in churches, but also in legitimately erected oratories, so that nothing else may hinder, I said, that doubt ceases.

[*Latin ed. p. 864*]

Acts of the Apostolic See. - Official Commentary. 864 "From the common and unwavering, well-known observance of the entire City and of the entire Christian world." This was noted by the Most Reverend Secretary, when on March 5, 1689, the matter of parochial rights in Bologna was proposed: "It is necessary," he said, "to preface this with the understanding that Churches, even if founded within the limits of a parochial Church, are not subject to it except in matters pertaining to parochial rights (Benedict XIV, *Instit. Eccles.*, c. V, n. 108)." And Fagnanus, in his commentary on Chapter 3, concerning churches and buildings, states: "No Church, except for the Cathedral, establishes its right over another Church, even if founded within the limits of its own parish, except in matters pertaining to parochial rights." The Rota affirmed this in its decision before Molines on July 3, 1705, stating: "Although the Church of Saint Mary is located within the limits of the parochial Church, it is not thereby considered subject to that parochial Church, since no Church, except for the Cathedral, establishes its right over another Church, except in order to matters pertaining to parochial rights." This doctrine is contained in decree 784, of June 2, 1713; and in decree 988, of 1717, before Lancetta. In Aversa, in the case before Coccino on June 23, 1634, in *Recentior*, decree 552, part V, n. 11, it is confirmed by the resolutions of the Holy Congregation of the Council, which, in the matter proposed in Rieti on June 13, 1844: "Is it permissible for a chaplain to perform novenas, triduums, and other non-parochial functions with the exposition of the Most Holy Sacrament in the Oratory of Saint Dominic, independently of the parish priest in this case? Is it permissible for the same

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chaplain to solemnly celebrate Mass independently of the parish priest in this case?" The response was: "Affirmatively in all respects, according to the form of the Decree of the City and the Holy Roman Church of December 10, 1703." The same was decided in Marsorum in March 1862; in February, on January 25, 1858 - in Galtellironen, on Thelesina, Anniversaries, and Solemn Masses on February 9, 1732. Therefore, the parish priest, in this case, will not prevail unless he proves it; for since the sodality possesses an intention, it is presumed to be in its favor. In this matter, the principle applies: "The condition of the possessor is better, especially in legal proceedings, because the possessor is relieved of the burden of proof." Lega, *de Iudic.*, 2nd edition, Vol. I, page 205. It is established that the party against whom a presumption exists, if it wishes to prove the contrary, must do so with clear and stronger proof. Rota, *Dec. Recent.*, decree 117, n. 3; decree 290, n. 1; decree 469, n. 2, par. 3; decree 45, n. 7, par. 4, vol. I; decree 99, p. XVII, of April 17, 1671, before Emerix, p. 11, - which burden in this case is transferred to the parish priest, the plaintiff, who is therefore obligated to sustain his action against the sodality with a particular and clear title. Indeed, after examining the documents, the parish priest intends, whether concerning...

[*Latin ed. p. 865*]

The Roman Rota: Regarding the question of whether the sacred functions, customarily performed on the feast of Saints Cosmas and Damian, or the collections made by the faithful on that same feast, should be carried out by the Sodalitas, the Rota, after examining the arguments presented by both sides, does not find sufficient grounds to support the claim, but rather finds the contrary to be true. Indeed, the Parish Priest was initially judged to have acted without a valid legal basis; since the chapel of the Blessed Virgin Mary Immaculate, which was sacred and located within the parish boundaries, was under the jurisdiction of the Parish Priest before the establishment of the Sodalitas, the Parish Priest, who did not wish to deprive himself of the rights he previously enjoyed, retained those rights. "It appears," said the patron of the cause, "that the suburban chapel has always remained not only under the jurisdiction of the parish church, but also in its property, as it was from the beginning." And the appellate judgment upheld this: "Since the Confraternity of 'Mater Misericordiae' was established in the chapel of the Immaculate Conception, which already existed since 1689, and as that chapel is an urban chapel subject to the Parish Priest, it must necessarily be assumed that the Parish Priest, by ceding that chapel, reserved to himself the right to perform the functions and to receive the offerings on the feast of the Holy Physicians Cosmas and Damian." However, it must not be assumed, but proven, and indeed manifestly, that the Parish Priest reserved these rights to himself. Common law favors the Sodalitas, which is in a position akin to possession of the

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right to perform all those things that are not of a purely parochial nature; therefore, the presumption of law is in favor of the Sodalitas against the Parish Priest, who, when asserting that he has reserved these rights to himself, is burdened with the obligation to prove it, as stated above. Therefore, in this case, the Parish Priest is obliged to prove the exception made to common law, which he himself invokes in his favor. The Decree of the City and the World, which granted the Sodalitas certain rights, also made an exception in favor of the Parish Priests. However, the Reverend Auditors found nothing in the records to prove this. Furthermore, in this case, there is no mention of any agreements made during the establishment of the Sodalitas between the Sodalitas and the Parish Priest, because, according to the Parish Priest himself, there is no document that indicates anything about this matter. "No document is available regarding the transfer of such property in favor of the Sodalitas, nor has anyone ever mentioned such a thing." Therefore, the alleged agreement, which is presumed to have been made during the transfer of the church to the Sodalitas, is unfounded. This agreement should be excluded even more because it lacks a legal basis. It is assumed by the plaintiff that an agreement was made between the Parish Priest and the Sodalitas, according to which, although the Sodalitas was granted hospitality in the church of the Blessed Virgin Immaculate, the property of that church remained with the Parish Priest himself; therefore, by virtue of this title of reserved property, the Parish Priest is entitled to exercise all rights, even those not pertaining to the parish, in accordance with the exception made in the Decree of the City and the World.

[*Latin ed. p. 866*]

Acta Apostolicae Sedis. - Official Commentary. 866, December 10, 1703. "It seems necessary to conclude that the aforementioned suburban chapel has always remained not only under the jurisdiction of the parish church, but also in its property, as it was from the beginning; nor has the hospitality, granted to the Confraternity to reside in the same chapel, been able to transfer any property over the chapel itself." It is certainly true in law that churches cannot be outside of commerce, or in the private property and dominion of individuals. Therefore, the property of the church, in which the "Mater Misericordiae" Sodality exists, is unjustly attributed to the parish priest, who, therefore, lacks the foundation on which to demonstrate the subjection of that church to the parish church in order to claim the non-parochial rights that he alleges are due to him. Furthermore, Gaspar Trazza dedicated the altar that he erected and dedicated to the Holy Cosmas and Damian to the Sodality, so that whatever burden there was for its maintenance or repair would be borne by it. "As heir of Gaspar Trazza, my grandfather, I know that, due to his special devotion, an altar to the Holy Physicians was erected in the "Mater Misericordiae" Confraternity, and we have never taken charge of its maintenance because it was understood to be

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the responsibility of the Confraternity." Moreover, the Sodality itself, with its own funds, renovated, decorated, and expanded the church; it bore all the expenses, not only for the performance of sacred rites, but also for the payment of taxes, and it received revenues derived from two rooms located above the sacristy; indeed, the church even obtained funds from the church of St. Nicholas in the year 1825 through a contract of sale. All of these things, recorded in the books of administration of the Sodality, were collected into one document by a public notary and made public by an act on March 10, 1910. From these, the Reverend Auditors deduced a legitimate presumption, indeed a moral certainty, regarding the independence of the Church of the Mother of God, free from any blemish, from the parish priest, who should have properly retained the chapel itself, having ceded it to the Sodality without limitation or reservation of any right; for this should have been the case, and no instrument has been presented in the meantime. The governance and administration of a chapel or oratory, and the revenues derived from it, exclude subjection to the parish church; especially if these do not contribute to the endowment of the latter: "It has been proven that the aforementioned oratory or chapel of St. Mary was erected from the offerings of the faithful... and that its governance and administration were entrusted to it, all of which exclude subjection, and to which, in order to induce it, it is not sufficient that the church was erected within the limits of another church, but it is also required that it be endowed with the revenues and assets of the latter, as Valenzuel states, cons. 45, n. 50, lib. L; Molines states, decis. 990, July 3, 1705, vol. 4, n. 3 and 4."

[*Latin ed. p. 867*]

The Roman Rota. 867 The parish priest defends the Synodal Constitutions, in which it is stated: "In chapels or churches belonging to lay confraternities, no other sacred functions should be performed, except those which are expressed in the approved rules of the confraternity, under the penalty of excommunication for the same church and suspension for the rector" (chapter V, section XII). But after examining and duly investigating the rules that exist in the records, many statutes were found that regulate the private life of the confreres, and many works of religion and piety are recommended, so that they may be imbued with good and honest morals, and a place and manner for carrying them out is assigned. The following are generally established for the common exercises to be performed by the confreres: "XII. All should be diligent to come on time to the chapel on the designated days and hours," and regarding the duties to be performed by the rector, these are also generally designated: "XIX. Finally, a learned and zealous priest should be elected as Spiritual Father by the appointment of the Prior and the majority of the aforementioned brothers... his responsibility will be limited to pure spirituality." Not a single word is found regarding sacred functions to be performed in the church of the

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confraternity. Unless we wish to assert that absolutely no sacred functions can be performed by the confraternity in its church, it must be maintained that they must be carried out in accordance with the common law, which the Synodal Constitutions do not restrict in any way; consequently, it is permissible for the confraternity to perform those functions that are performed on the occasion of the feast of Saints Cosmas and Damian. Furthermore, if any functions are prohibited to the rector of the confraternity, they are: "1. That in every funeral, the right of the parish priest remains firm; 2. That processions and expositions of the Venerable [relics] may be held, preceded by the due licenses." For the Royal Major Chaplain, in his petition, only excepted these two, requesting that Royal approval be granted either regarding the existence of the confraternity, or regarding the rules to be observed: and King Ferdinand, following this petition in his grant, stated: "We, freely agreeing to these just and pious petitions... by virtue of the present... we accept, approve, and confirm the aforementioned foundation and its chapters... and we interpose our real consent and agreement, and we shall maintain it until Our Royal and those of Our Successors' approval... with the aforementioned clauses, conditions, and limitations in the aforementioned report of Our Royal Major Chaplain, and in all respects, observing the form of the aforementioned report." Therefore, no argument favorable to the parish priest arises from the Synodal Constitution. The parish priest also invokes a custom, which he claims is secular, "that these functions are performed in honor of the Most Holy [Virgins]."

[*Latin ed. p. 868*]

Acta Apostolicae Sedis. - Official Commentary. "Although they may not be parishes, by law, they nevertheless, due to secular custom, have become parishes, and have fulfilled the office of the parish priest of the place": and this is also admitted by the cited opinion: "Considering that, in fact, the parish priest has always exercised his right, either for himself or through his substitute." It is indeed certain that custom can be a reasonable thing contrary to the law, and that once legitimately introduced, it can override the law, or abolish it: but in order for custom to have this power, it must be endowed with the necessary conditions, among which is the remembrance of a very long time, and not an interrupted, but a continuous repetition of acts. "The law resists the introduction of custom, unless, however, the custom is to be condemned as unreasonable or corrupt, but expressly prohibited, requiring a period of 40 years with a title, or a very long time without a title, that is, a time from the beginning of which no memory exists. It is necessary, however, that this custom, whatever its duration, if it must introduce a new right by means of prescription, be continuous for a legitimate time, and once begun, it must not be interrupted by any contrary act." Pihring, De Consuet. Lib. I, § VI, n. 1. Indeed, neither of these facts appears to have been verified in favor of the parish priest. For those who

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were brought in as witnesses do not say a word about the sacred rites performed by the parish priest on the feast of Saints Cosmas and Damian, but speak only of the offerings collected by him, and that, moreover, from the year 1853; indeed, from a time much closer to us. For, except for Quintino Denuccio, who has reached the age of seventy-two, and except for Giovanni Serra, who is prohibited from giving testimony because he is an enemy of the Sodality, from which he was removed from office "from which I was expelled last year for reasons of administrative factions," the two remaining witnesses are one who was born 39 years ago, and the other 35 years ago; that is, the former was born in 1861, and the latter in 1865, so that they can, at most, testify from the years 1873 and 1877, in which they reached adulthood. At most, I say; for none of them can state the time when the offerings of the faithful began to be collected: "D. Gaetano Maggio collected the offerings of the faithful on the 27th of September of each year, and then handed them over to the parish priest," "all the offerings that were collected on the day of the feast of the aforementioned Saints were handed over to the parish priest." Therefore, nothing prevents the beginning of this collection from being established later. Nor should it be said that seven witnesses testified in favor of the parish priest for the sacred rites celebrated by him; for their testimony proves nothing in court, since it was given in an extrajudicial manner before the Vicario Foraneo of Gagliano del Capo, without the delegation of a judge, and by witnesses who were not sworn, and therefore do not deserve to be believed. I. iurisiurandi 9, Cod. Cap. Nuper 51, de Test., and so on; the parish priest brought them in and they were present before him.

[*Latin ed. p. 869*]

869 Having heard of the matter, and suspecting that something had occurred on May 29, 1910, while an appeal was pending; and finally, it was stated that the sacred functions were not performed by the Parish Priest, but by the Clergy, on the feast of the Most Holy Apostles. In the year 1853, "the statues of the Most Holy Cosmas and Damian were erected, and the Clergy offered themselves each year to perform the sacred functions during the days of the feast and the preceding novena." Therefore, the custom invoked regarding the performance of the sacred rites did not exist, and regarding the offerings of the faithful, there was no time immemorial. But neither is there verified continuous repetition of actions. For, apart from the celebration of the sacred rites, of which there is no proof on the part of the Parish Priest, concerning the offerings of the faithful, this is the result: that the Parish Priest collected them, either in the absence of the Spiritual Father, "in the absence of the Spiritual Father," or because he was otherwise hindered, "to supply the Spiritual Father." Therefore, the Parish Priest collected the offerings, not by his own right, but either by a tacit or express delegation from the Rector of the Sodality. And if, at times, the

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Parish Priest, in the presence of the Rector, dared to attempt something, the Confraternity resisted so much that he was forced to cease collecting the offerings: "In the year 1853, the offerings in honor of the Most Holy Physicians began to be collected. A dispute arose between the aforementioned Margaret and the Parish Priest Chiffi regarding the right to such offerings, and the matter was referred to the Vicariate Capitular of that time, and the decision was in favor of the Spiritual Father. The Confraternity never conceded such a right (regarding the offerings) to the Parish Priest... three years ago, the Parish Priest Margarite replaced the Spiritual Father, and the Confraters complained to their Prior against such a substitution, and it was then that a certain Liborio Chiffi, the oldest of the Confraters, declared that the Parish Priests had never asserted any rights in the Confraternity." Therefore, the Parish Priest did not collect the offerings either by his own right, nor always and continuously, nor peacefully. It is not valid to object that the Rectors of the Sodality performed the sacred rites, and collected the offerings in the name and by the right of the Parish Priest, of whom they were assistants. Indeed, if the Rectors acted in this way, the opposition made by the Confraters to the Parish Priest would not be explained, when this one devoted himself to performing the sacred functions on the feast of the Most Holy Cosmas and Damian; "the substitution of the Parish Priest in the functions of the Most Holy Physicians caused a disturbance among the Confraters"; for if he were to exercise his right, the Confraters could not only have objected nothing, but they should also have admitted and revered his ministry; nor would the explanation be given of his ordinary absence, for which the Rectors of the Sodality always took his place; indeed, nor would the explanation be given of why the Parish Priest performed the sacred rites only when the Rector was absent, or otherwise hindered, or as a delegate, "to supply the Spiritual Father in the collection of the offerings; in the absence of the Spiritual Father, he came to replace him."

[*Latin ed. p. 870*]

&7Ò Acta Apostolicae Sedis. - Commentarium Officiate. « in the collection of offerings ». But moreover, the Sodalitas freely chooses its Rectors from among those listed in the founding documents, and once elected, they perform their own duties independently of the Parish Priest. And indeed, not all who have been Rectors of the Sodalitas have been Vicars or Assistant Parish Priests. « After the death of the priest Gaetano Maggio, the priest Vito Fersurella was appointed Spiritual Father of the Confraternity, who was never a substitute for the Parish Priest », who, nevertheless, having fulfilled all the Sodalitas's sacred duties, including the novendial prayers preceding the feast of the Holy Cosmas and Damian, is entitled to perform all these duties in his own name and with his own authority, not as a vicar of the Parish Priest, by his power and delegation. Furthermore, it is true that the Rectors of the Sodalitas have sometimes performed the duties of Vicars

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of the Parish Priests; but this is by accident, and has nothing to do with the office of Rector, so that it cannot be concluded that the Parish Priest, through his Vicar, performs the sacred duties in the Sodalitas's church and collects the offerings. Therefore, the custom invoked by the Parish Priest lacks the essential requirements of time immemorial and continuous practice, which, at least with regard to sacred functions, has never existed; and therefore, it is not applicable to the matter at hand. Moreover, the prescription against the Decrees of Clement XI is not introduced except after a period of 100 years, whereas in this case, the feast in honor of the Holy Cosmas and Damian, with its solemn observance and great attendance of the people, along with the offerings, began in the year 1853. On the contrary, the Sodalitas, through its Rectors, has always exercised its right with regard to sacred functions and with regard to the offerings of the faithful. With regard to the sacred functions performed by the Rector, we have witnesses brought forth by the Sodalitas. David Pizzolante, 63 years old, and a member of the Sodalitas since the age of 41, states: « The offerings for the Holy Physicians were collected « by the Spiritual Father of the Confraternity, who always performed this duty ». Orontius Maruccia, a member of the Sodalitas for forty-five years, testified: « In 1853, the offerings in honor « of the Holy Physicians began, which were always collected by the Spiritual « Father, Father Francesco Margherito, who performed this duty during the novena and on « the day of the feast ». This is also confirmed by John Stefanachi, Francis Trazza, and Vito Colaci; indeed, it is confirmed by Gregory Amico, a witness brought forth by the Parish Priest, who was the sacristan of the Sodalitas's church for three years. « I know that on the days of September 26th and 27th of each year, the Spiritual « Father of the Confraternity « collected all the offerings of the faithful for the "Mater Misericordiae" ». Those who testify to this, except for Gregory Amico, are members of the Sodalitas; but even with this, full credence must be given to them, because they do not testify in their own cause.

[*Latin ed. p. 871*]

871 The Roman Rota. But concerning the right of a sodality, which is distinct from the right of individuals, "whether in a case concerning the university, or a college which is part of it, or a member thereof," can testimony be given? – It is answered affirmatively, according to canon 6 of the Council of Trent, and according to canon 12, namely, that what is true of a college, or "university, whether secular or ecclesiastical," is so; thus, any individual, even if he is a part of such a community, must be admitted as a witness for his community, provided he does not give testimony in his own cause, but for the right of the university, which is distinct from the rights of individuals. Pirhing, Lib. II, Tit. XX, Lect. I, § 10. Therefore, the custom, which the parish priest in no way approves of, is that the sodality legally establishes from the very beginning the solemnity introduced in

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honor of the Holy Cosmas and Damian; and therefore, the Most Reverend Fathers held that the sacred, but not parochial, rights of administering and collecting the offerings of the faithful pertain to them. Having once established this, the Most Reverend Lords proposed the question to themselves concerning the use to be made of the offerings, inquiring to whom these should be assigned, and observed the following. Offerings are presumed to be made for the care of souls, which the Church sustains; therefore, offerings made in a sacred or religious place located outside the parochial church, provided that it exists within the limits of the parish, are by their very nature parochial and are due to the parish priest. "Offerings which are made in a chapel or oratory located within the 'limits of the parish, and not in an oratory, but to the parochial church itself, should be assigned to the parish priest." Trois., Mannet. de oblat. dub. 4, n. 29. Ct Barbosa, de Offic. "Parodi., P. III, C. XXIV, n. 22." But this presumption does not hold, and yields to the truth, when the will of the offerers is clearly manifested, either expressly or tacitly; this is verified if the faithful have given to the temple, altar, or image, so that a more solemn worship might be performed, or so that the walls of the church might be restored. Then the offerings are assigned according to the intention of the offerers. Devoti, Lib. II, Tit. XVII, § 7; Barbosa, I.c. n. 30: "Whenever they are given by the faithful for a specific purpose, for example, for a Mass or for construction, they in no way pertain to the parish priest, and the will of those who give the alms or offerings must be precisely observed." Therefore, Bouix, to the proposed question "to whom do the offerings pertain which are made either to a chapel or image of the parochial church, or to an oratory outside the parochial church, but within the limits of the parish?" answered: "By their very nature - and unless it is otherwise known of the intention of the giver - they pertain to the parish priest, as Leurenius teaches, Forum Beneficiale, Par. I." Therefore, in this case, it must be seen whether and what the will of the faithful offerers was, which determined the use of the offerings. And there is no doubt concerning the existence of this intention; for in this case, the faithful...

[*Latin ed. p. 872*]

Acts of the Apostolic See. - Official Commentary. 872 offerings were given with this intention, so that the Most Holy Fathers might celebrate the feast with a more solemn and magnificent celebration than was possible. This is deduced from the general custom, which all authorities in matters of offerings consider to be of great importance; cf. Rota, in Lunen. Sarzanen. on offerings, February 8, 1672, before the Most Reverend Lord Merlino. It is also evident from the records; for it is clear that the offerings collected by the Rector of the Sodality, whether directly by himself or through the parish priest, were spent on those things necessary for the celebration of the feast, and no one objected. "Annually, Father Spiritual Margarito Francesco

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'after September 27 would go to pay the accredited debts, and he 'promised to pay after the feast of St. Cosimo'": and elsewhere: 'the custodian of the same Giulio collected the offerings of the faithful on September 27 of each year, and then handed them over to the parish priest, who 'in turn distributed them to the other priests, taking into account the greater or lesser service rendered by each.' It is not proven to the contrary by the fact that the Sodality intended these offerings to increase the Rector's salary, 'we went to the house of Father Spiritual to pay him 'the fee of 40 lire, and to propose a reduction to 30 lire, 'making him understand that this reduction was compensated by 'the offerings of the Holy Doctors.' This was proposed to the Rector by the Sodality; but it was never carried out; indeed, it is even doubtful whether it was truly proposed, since in the records it is written: 'Parish Priest Margarito protests the falsity of the part concerning 'the reduction of Father Spiritual's salary.' But even if this were admitted and carried out, nothing follows that would be contrary to the intended purpose. For the Sodality directly supported the expenses of the feast with its own funds: 'the expenses of the cult have always been borne by the Confraternity,' and more clearly: 'by collecting the Sunday offerings and those made 'on the day of the Holy Doctors, bearing all the expenses of the cult, not 'excluding those of the Holy Doctors, as can be seen from two mandates on 'the financial accounts 1904-1905.' The Sodality could have well compensated for these expenses with the offerings received; and yet, it preferred - in this hypothetical case - to assign them to the Rector - although not in full, considering the circumstances - as compensation for the reduction made. And this goes back to the intention of the offerings made by the faithful; for the Sodality intended to achieve this goal with its own funds, having granted the Rector the faculty of retaining a portion of the offerings, so that he might take care of compensating for the sum he had spent; or, the Rector, having received the offerings, gave what he should have given from his own funds, and supported the expenses of the cult with the funds that he would have supported with the offerings. - Furthermore, even the aforementioned opinion concedes that, although the parish priest was granted the right to collect the offerings, he was also charged with spending them for a more solemn celebration.

[*Latin ed. p. 873*]

The Roman Rota. 873, concerning the promotion of the cult of the Holy Physicians: "We confirm the right of the press granted to the Parish Priest, but we instruct him to invite, as in the past, the clergy to participate in the solemnity, and to provide each priest with a just compensation for the work performed." Therefore, the Rector of the Sodality is not permitted to retain the offerings collected, but is obligated to expend them for the external splendor of the feast, to which they are destined by the faithful," so decided the Sodality. However, in the present dispute, the question of

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the judicial expenses and who should bear them is also raised. The Most Reverend and Most Learned Auditors observed that a condemnation to pay expenses, considering both civil and canon law, appears to resemble a penalty imposed on one who has litigated recklessly; this is established by the Code of Judgments, title "De Iudiciis," section "L. Properandum," paragraph 13, § 6, concerning the penalty for reckless litigation; and in the style of the Holy Office, this rule applies to expenses; and both parties should be condemned to compensate the expenses if it is proven that the reckless litigation has been motivated by a cause that excludes recklessness.

Lega, "De Iudic," p. I, Section III, Title IV, n. 706: "In this matter, the following principles are considered: expenses are to be compensated between the parties if the victorious party has had a just cause for litigation." However, since the Holy Roman Tribunal has been restored by the Constitution "Sapienti Consilio," it is governed by that constitution, both in terms of its competence and in terms of its constitution and procedure. Indeed, the Constitution "Sapienti Consilio" states that where there is no specific provision in the law, the common law must be followed, without any mention of the old style of the Holy Office. Canon 19, § 1, 2, of the proper law; Canon 43, Appendix, 3, n. 13; Regulations for service at the Holy See Tribunal, Title V, § 185. And indeed, the Rota has followed this rule in Segusina, on April 6, 1909, and in Alexandria, on June 14, 1909. Therefore, in this case, it must be examined on what grounds the litigants entered the dispute, in order to determine whether they should be considered reckless. For it is said that one litigates recklessly not only when acting with deceit and malice, but also when acting imprudently and without due consideration, or when accepting a dispute initiated by another. Bouix, "De Iudic," part 2, subsection 4, chapter 17, n. 7; and one is not considered reckless if, based on a probable foundation of victory, he defends his case before the Judge. Reiffenstuel, Title XXVII, Book II, n. 180. The Most Reverend and Most Learned Auditors have observed that the Sodality, based on the common law, brought the Parish Priest of Capistrano before the court; and that the Parish Priest accepted the dispute in order to defend parochial rights, not imprudently or without due consideration, but after a prior and careful examination, as is presumed by the favorable judgment given to the Parish Priest.

[*Latin ed. p. 874*]

Acta Apostolicae Sedis. - Official Commentary. 874. Judgement delivered by the Reverend Fathers. "Because the Lords said: 'No one should be marked by recklessness, to whom a condemnation can be imposed; therefore, the case must be verified in which compensation must be made between the parties.' Having considered and diligently pondered all these things, invoking the name of Christ, We, the undersigned Auditors, sitting for the Tribunal and having only God before our eyes, decree, declare, and

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definitively judge that the Sodalitas "Mater Misericordiae" of the place of Castrignano del Capo is legally sound, or, answering the proposed doubts: To Question I. The Brotherhood. To Question II. It is among the parties that have been compensated, either by the previous or the present instance; therefore, we reject the appeal and we wish it to be considered rejected, we decree and declare. Thus we pronounce, ordering the Ordinaries of the places and the ministers of the Tribunals to whom it pertains, and against those who resist, to proceed to the execution of this judgement according to the Holy Canons, and especially chapter 3, Session XXV of the Council of Trent, using the executive and coercive means that may prove more effective and appropriate for the circumstances. Rome, on the 9th of July, 1910. Gustavus L. Eg S. Persiani, President. Gulielmus Sebastianelli. Ioseph Alberti. Sac. Tancredes Tani, Notary. II. S. CHRISTOPHORI DE HABANA. Regarding the Nullity of Marriage. Pope Pius X, happily reigning (during the Pontificate of LAZA), in the seventh year of his dominion, on the 11th of July, 1910, the Most Reverend Fathers, Fathers Ioannes Prior, President, Aloisius Sincero, and Iosephus Mori, Auditors of Tournon, in the case of S. Christophori de Habana, regarding the Nullity of Marriage, with Vincent, Sacconi, Advocate, acting as procurator, and with Catharina Laza, Defender of the bond by office, present, delivered and pronounced the following judgement. At that time, war was raging between Spain and the United States of America, with the imminent siege of the Cuban island, and many of its inhabitants, in order to avoid the dangers and inconveniences of war, fled to America.

[*Latin ed. p. 875*]

The Roman Rota, case number 875. This concerns the matter between Catherine Laza, a young woman orphaned by her parents, who, having left the home of her guardian in the city of Havana, where she lived with her sisters, traveled to Tampam, a small town in Florida, intending to stay there for a time. A young man, Peter Estevez y Abreu, to whom she was already betrothed by a prior agreement, was from a wealthy family of the same city of Havana, where he resided with his father. He was at that time traveling in Europe, enjoying a leisurely trip. Upon his return to America, while the war was still ongoing, he decided to get married. Therefore, he went to Tampam and requested that the Rector of the Church of St. Aloysius, Father Tirel, S.J., perform the marriage ceremony for him and Catherine. The Rector, as the party in the case states, refused. However, the Vice-Parish Priest, Father de Carrière, S.J., gave Peter hope, saying that he would give an answer after carefully considering the matter. When asked a third time, he finally said that he had found a way to grant the desires of the couple. Before this, and after proper announcements had been made, and in the presence of two witnesses, the marriage was celebrated on August 15, 1898. On the same day, the couple left Tampam, not intending to return, and

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after completing their wedding journey, they returned to Havana. After a few years, the woman, forgetting the vows she had made, indulged in affairs with other men, abandoned her husband, and deserted the legitimate child she had borne, and, after obtaining a divorce, entered into a civil union with a lover. Overwhelmed by this sorrow, Peter believed that he had not truly been bound by the sacramental bond, and, at the urging of his father, he turned to the Curia of Havana, requesting that the marriage be declared null, as it had been contracted secretly, without the presence of either parish priest, or a priest delegated by them, at the celebration of the marriage. However, the Bishop of Havana considered that he lacked jurisdiction in the case, because Peter had apparently moved from Havana to Paris, which was confirmed by the Metropolitan Province. At Peter's insistence, the case was brought before the Holy See, and was heard by the Sacred Congregation. This Congregation ordered that an investigation be initiated by the Bishop of Havana. In the meantime, the controversy was referred to the Holy Office for judgment, and after a full investigative process, in which Catherine Laza completely refused to participate, and whose summonses were therefore legally invalid, the woman could not be found, and therefore, by edict, she was summoned in the Acta Apostolicae Sedis on December 20, 1909, and since she did not appear at the hearing of the Tribunal on the date and time specified in the edict, she was declared contumacious, and the question was posed under the usual formula of doubt: Does it appear that the marriage is null in this case? The town of Tampam belongs to the Diocese of St. Augustine, which was established by a decree of Pope Pius IX on May 11, 1870, and is subject to the Province of Baltimore as a suffragan diocese, as is evident from the words of that same decree: "In the territory of Florida, we establish, by these letters, a new episcopal see."

[*Latin ed. p. 876*]

Acts 876 of the Apostolic See. - Official Commentary. "We command that it be defined by the same limits within which the old Vicariate was contained, and that the city of Saint Augustine be given as its name. Furthermore, we order that it be under the jurisdiction of the Archbishop of Baltimore, etc." Indeed, nowhere in the Province of Baltimore, prior to the time when the marriage in question was contracted, was the Decree of Trent concerning clandestine marriages in force, as we know from the acts and decrees of the Third Plenary Council of Baltimore, held from November 9th to December 7th of the year 1884, in which Bishop Augustine, John Moore, participated. In the acts of that Council, under number 135, the following is read: "It is asserted that the Decree of Trent concerning clandestine marriages (Session 24, chapter I, concerning reforms) does not hold force in the following ecclesiastical provinces of these United States: namely, in Baltimore, Philadelphia,... Chicago, with the exception of certain places

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in the Diocese of Alton, which will be mentioned shortly." No exception, however, is noted with regard to the Province of Baltimore. Furthermore, speaking of the places where the Decree of Trent was promulgated, Gasparri, in *De Matrimonio*, volume 2, number 1063, states: "A more complete list is given by Joder, *op. cit.*, in the Appendix. Therefore, we refer to this Appendix, with some additions or modifications, in Allegation VI." In this Appendix, it is clearly stated that the aforementioned Decree does not hold force in the Diocese of Saint Augustine, in which is located the town of Tampa. To prove that the well-known Decree was in force in the region of Florida, which was formerly part of the Spanish Empire, the Plaintiff's counsel cites an instruction from the Holy Office dated September 9, 1824: "It is reported how the Kings of Spain, obedient to the Council and the Apostolic See, undertook to have the decrees of the same Council published in all their dominions, and how diligently the bishops of the Spanish dominions took care that the decrees of the Council be observed; so that there can be no doubt whatsoever about the observance of the same decrees in the Spanish American regions." Zitelli also lists, among the places where the Decree was promulgated, generally all the regions that were formerly under the dominion of Spain or Portugal (Apparatus Iuris Ecclesiastici, p. 430). And he notes there the response of the Holy Office to the Apostolic Vicar of Arizona, who inquired whether the Council should be considered as having been promulgated for the entire region that was under Spanish rule, or only for that part of the region that had inhabitants at that time. The Holy Office responded on January 23, 1882: "Affirmatively to the first part, negatively to the second part." Perhaps guided by this general rule, Mansella rashly asserts that Florida is a place where the Decree was published and is in force (De Impedimentis Matrimonii Dirimentibus, p. 134, edition of 1881). But the Decree, once published, is not always in force everywhere.

[*Latin ed. p. 877*]

The Roman Rota ruled in the year 877, as Pius VII teaches us in his Brief addressed to the Archbishop of Moguntinum on January 8, 1803, affirming that clandestine marriages are valid and binding where the decree: "was either never published, or was never observed, as if it were the decree of such a Council, or, if it was once observed, it lapsed into desuetude after a long interval of time." What constitutes a "long interval of time" is not specified, and the opinions of the Doctors on this matter are varied, which we shall not examine here. Given the declaration of the Third Plenary Council of Baltimore, it is to be presumed that, in this case, this interval of time was sufficiently long to be considered as having caused the decree, which was once promulgated under Spanish jurisdiction, to lapse into desuetude. The Chancellor of the Diocese of St. Augustine perhaps wrote less accurately, as is evident from the record: "The decree was never promulgated in Tampa."

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However, the Diocesan Curia correctly indicated the rule to be followed, as taught by the Plenary Council, in the celebration of marriages. But it does not follow from this that, because the Tridentine decree is not in force in Tampa, a marriage contracted there without the Tridentine form must be considered immediately valid, without any need to inquire about the domicile or quasi-domicile of the parties. For, as another Instruction of the Holy Office of December 14, 1859 notes: "The Tridentine law concerning clandestine marriage must certainly be promulgated in each parish according to its judgment, but once promulgated and its observance continues, the law affects the territory, and, to speak properly, it is both local and personal for all." Because it is local, the marriage contracted within the territory to which it applies is subject to the law, regardless of where Catholic parties may reside. Because it is personal, the obligation adheres to the person, and those who have their domicile or quasi-domicile in the parish where it is in force are subject to it, like a shadow, wherever they may go, even in places that are immune from the decree. It is certain that those who, while residing in a place subject to the Tridentine law, transfer their domicile to a place where it is not in force, or acquire a quasi-domicile in a place that is immune, even if it is done solely with the intention of entering into marriage, can contract a valid marriage there without the Tridentine form. For they are exercising their right, and no one seems to act with deceit when exercising their right" (1, 55, ff. de Reg. Iur.). "It is also certain that those who, while retaining their domicile in a place subject to the law, move to another place that is immune, and do not, at least, acquire a quasi-domicile there, solely with the intention of entering into marriage, cannot contract a valid marriage there without the Tridentine form. This is evident from the famous response of the Sacred Congregation which was given on September 5, 1626, to the Archbishop of Cologne, who was an Elector, and which was subsequently confirmed by Urban VIII with his Apostolic authority on August 14, 1627.

[*Latin ed. p. 878*]

878 Acta Apostolicae Sedis. - Official Commentary. The Archbishop proposed three questions: "1. Can inhabitants, both male and female, of a place where the Council of Trent has promulgated its decrees on marriage, who pass through a place where said Council has not been promulgated, and retain the same domicile, validly contract marriage in that place without a priest and witnesses? 2. What if said inhabitants, both male and female, transfer themselves solely with the intention of contracting marriage without a priest and witnesses, without changing their residence? 3. What if said inhabitants, both male and female, transfer their residence to that place solely with the intention of contracting marriage without a priest and witnesses?" The Cardinals responded: "Regarding the first and second, it is not lawful to contract marriage between those who transfer themselves

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in this way with fraud; regarding the third, however, if the domicile is truly transferred, the marriage is valid." This response was presented as a norm in similar cases by Benedict XIV in a letter to the Archbishop of Goano, "Paucis ab hinc," dated March 19, 1758. If someone transfers themselves solely with the intention of contracting marriage, or even primarily, to a place exempt from the law of the Council of Trent, the Doctors agree that the marriage is null, because it is contracted with fraud, namely, by defrauding the priest of his rightful assistance in the marriage. However, there is not a unanimous opinion among the authors regarding the interpretation of the first response of Urban VIII. Indeed, the doubt proposed in the first place regarding the intention of someone passing through a place exempt from the law of Trent does not contain anything about the intention, but only notes the fact of the passage; the response, however, states: "Those who pass through in this way with fraud do not contract a valid marriage," and therefore, those who pass through without fraud are not included in the first response. Furthermore, what is meant by "without fraud," or what is sufficient to purge fraud, was not a unanimous opinion. Some hold that fraud is present whenever one of the parties acquires a domicile or quasi-domicile in a place of pilgrimage. And this opinion is certainly more in conformity with the Instructions of the Sacred Congregation of the Holy Office, which speak of the personal application of the law of Trent, and do not present any other means of purging fraud other than the acquisition of a domicile. Thus, the Instruction of the Holy Office of December 14, 1859, to the Archbishop of St. Francis: "As for the personal aspect, it obligates those who have a domicile or quasi-domicile in a place where the Decree of Trent has been promulgated and is in force, and who wish to contract marriage in another place where it does not prevail, unless they have not only changed their residence, but have also truly established a domicile there, in order to remove the fraud." And in the Encyclical Letters of the Holy Office of June 7, 1867, to the Bishops of England and the United States of America, it is written: "According to what is established in this decree (of Urban VIII), those who have a domicile and retain it in a place where the law of Trent is in force, cannot contract marriage in a place where it does not prevail, unless they have not only changed their residence, but have also truly established a domicile there, in order to remove the fraud."

[*Latin ed. p. 879*]

In Rome, 879, it is decreed that if any impediment exists, it must be entirely removed. This is also confirmed by the response of the Sacred Congregation for the Clergy in the matter of marriages in Paris, dated January 25, 1873, in which it was declared that no marriage is valid, even if the bridegroom, while passing through a place exempt from the decree concerning clandestine marriages, did not intend to contract the marriage there. We say that this is confirmed, because the Sacred Congregation does

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not usually assign reasons for its judgments, and therefore a single decision is not sufficient to precisely determine jurisprudence.

However, advocating a different opinion, Palmieri-Ballerini, volume 6, number 1190, writes: "Note well the words 'with fraud.' Therefore, this decree does not reject the doctrine previously stated (1187 and following) concerning those who pass through such places for other reasons. On this matter, Benedict XIV (Instit. 33, n. 9, at the end)."

Therefore, the marriage presented in the first and second instances, where fraud was present, is declared invalid, while the marriage presented in the third instance, even with fraud, is declared valid, because a new domicile was also established there."

Under number 1187, in the aforementioned work, the following is stated: "Furthermore, it is agreed that he who transfers himself to a place, not for the sole intention of contracting marriage there clandestinely, but for the sake of business, commerce, or any other reason, where the Tridentine decree has not been promulgated or accepted, can validly contract marriage, even if he does not acquire a domicile or quasi-domicile there, and even if he does not use a parish priest or witnesses for the contract."

And the Editors of the Acts of the Holy See (volume 7, page 557), in an appendix appended to the judgment of the Sacred Congregation in the Parisian case mentioned above, write: "It is not to be considered that this declaration of the Sacred Congregation has taken away anything from the judgment of the Theologians and Canonists, who state that those who present themselves in a place where the Tridentine decree has either never been promulgated or has ceased to be binding, cannot validly contract marriage, observing the form prescribed by the Council, even if they do not intend to establish a domicile or quasi-domicile there, provided that they have not gone there in fraud of the law, that is, with the intention of contracting marriage clandestinely. Indeed, Father Ballerini has called this doctrine 'more common,' when others, such as Reiffenstuel (lib. 4, tit. 3, n. 123), and Pichler (lib. 4, tit. 3, n. 14), and Mark Struggi (De Matr., lib. 3, n. 180), and Ferraris (V. Impedim., art. 2, n. 110), have stated it to be 'absolutely common,' and even George Gobat (Traci. IX, num. 484) has affirmed it."

This opinion, which Father Emilius Gasparri calls "more common," although it adheres to the first opinion as being entirely truer, can be said to be not entirely devoid of solid probability, and therefore, in cases of marriage contracted in this manner, without fraud, the authors explain that it should be treated as having the same value.

[*Latin ed. p. 880*]

Acts of the Apostolic See. - Official Commentary. 880. It must be noted that, according to the records, Catherine Laza, when fleeing from the city

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of Havana, went to Tampa, but she stated that she had no intention of secretly entering into marriage there, but only in order to avoid the dangers of the impending siege. Another reason, and this one is conclusive, is that the personal obligation to celebrate marriage before the priest of Havana completely ceased on the part of the woman, and, due to the individual nature of the contract, also on the part of the man, when she acquired a quasi-domicile in Tampa by residing there for a period of one full month. Thus, the decree of the Holy Office of May 6, 1886, establishing a particular law for the United States of America, states: "At the request of the Council of Baltimore (Plenary III), We are petitioned to decide whether those who transfer themselves to the United States of America, where the city of Tampa is located, should be considered to have a quasi-domicile in another place, provided that they have resided there continuously for at least one full month, and have proven their freedom of status according to the law, in order that an investigation need not be made for more than half the year. In audience, on May 12, 1886, We approved this." The objection of the Defender of the Bond, that this particular law was established only for the subjects of said States, and not for foreigners migrating to the United States, is not to be considered. Firstly, because "where the law does not distinguish, neither should we distinguish." Secondly, "that distinction should not be made is shown by the very purpose of the law, as explained by the Fathers of the Council of Baltimore." They say: "(Acts of the Plenary Council of Baltimore, III, n. 138)." Because so often the faithful move from one diocese to another, and many doubts arise regarding their domicile, and the priests to whom they come for the purpose of contracting marriage often have doubts about their domicile, the Fathers of this Plenary Council believe that it is necessary to petition the Holy See, etc. In this way, the peace of conscience will be preserved, serious inconveniences will be avoided, and the very frequent scandal among us will be avoided, which arises from Catholic couples fleeing to civil magistrates or heretical officials for the purpose of marriage. "No one fails to see that such motives can be urged with equal, or even greater, force in the case of adversaries." Thirdly, finally, the authors who treat of this decree apply it generally to marriages contracted in the United States, because marriages of foreigners are excluded. Thus, Gasparri, *De Matrimonio*, vol. 2, n. 1089; Wernz, *De Matrimonio*, p. 277, note 191; Sabetti, *Compendium Theologiae Moralis*, n. 913, q. 1; Zitelli, *Apparatus Juris Ecclesiastici*, page 421; Palmieri-Ballerini, vol. 6, n. 1193; Bucceroni, *Theologia Moralis*, n. 1026. And here, the author...

[*Latin ed. p. 881*]

881 & The Roman Rota carefully considers the case in matters of conscience, no. 430, p. 554, specifically concerning a couple from France who fled to the United States of America to contract marriage, and judges such a marriage to be valid. Lady Catherine Laza, who resided in

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Havana, arrived in Tampa. It is abundantly clear from the records that she remained in Tampa for at least one month. Emanuel Romeu testifies: "Catherine... contracted marriage in Tampa, where she had resided for 'about three months'." Justus Fernandez Moiardin states: "She had been living there for two or three months before the celebration of the marriage." Didacus Torres-Perez: "Catherine Laza lived for about three months in Tampa before celebrating the marriage." Other witnesses corroborate this, although they speak with less certainty. Thus, Aloysius Camargo: "It seems that she stayed for three or three and a half months in Tampa before the marriage was celebrated." Aurelius Melerò: "He cannot specify the time, but he believes it was 'about three or four months'." Albertus Morales contradicts this, stating: "He could not specify the time that Catherine Laza remained in Tampa before marrying, but it seemed to him that it was only a few days." However, this testimony does not render the evidence doubtful, because it is one against many, who also speak with greater certainty. The witness himself states: "When we got married, she had been there for about a month." Furthermore, it must not be overlooked that the witnesses are completely silent regarding any journey undertaken by the woman during the time interval that elapsed between her arrival in Tampa, before the siege of the island began on April 23, 1898, and August 1, 1898, the date on which the marriage was celebrated. However, the defendant's counsel objects that an inquiry was not made into the freedom of the contracting parties, and therefore the Decree of the Holy Office, which requires such an inquiry as a condition precedent, was ineffective. However, the omission of the inquiry is not proven in this case, and it should be presumed that it was made, according to the well-known principle that "every act, when properly performed, is presumed to have been duly performed, unless the contrary is proved." The force of this general presumption is increased in the case of a marriage celebrated before the Church, which enjoys the favor of the law, as evidenced by the testimony of the Rector of the Church in Tampa, who states: "Father de Carrière, S.J., diligently inquired about the freedom of the contracting parties, as is customary in such matters." But even if the inquiry had been omitted, it would not necessarily invalidate the marriage.

[*Latin ed. p. 882*]

Acta Apostolicae Sedis. - Official Commentary. 882 Acquisition of domicile according to the decree of the Holy Office. The obligation to prove the free state of the contracting parties is urged only in the same decree, insofar as it is contained in common law, as the words themselves sufficiently show: "provided that they have verified their own freedom, as is the law." However, the omission of such an inquiry does not invalidate the marriage by common law. Regarding the essential clauses, the omission of which renders the execution of the faculty invalid, Putzer writes in his

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Commentary on Matrimonial Law, n. 13,1, c.: "Those which are expressed in conditional form by conjunctions, or by the ablative absolute, such as 'dummodo,' 'postquam,' etc., are generally considered to have such force that if they are not observed, nothing is accomplished. However, those are excepted which, even if not added, ought to be observed by the nature of the thing itself or by common law, and which, if added, are regarded as admonitions or precepts, which are binding unless there is a sufficiently excusing cause, as will be explained shortly. Finally, for another reason, the marriage must be considered valid, namely because, in this case, the law of Trent was impossible to observe, insofar as it refers to the proper parish, and therefore natural law, which permits marriage, must prevail. Thus, the Instruction of the Sacred Congregation of the Holy Office, of July 6, 1817, addressed to the Prefect of the Missions of Martinique, Guadeloupe, etc. (Coli. S. C. Prop. Fid., n. 725: "We present the opinion of theologians, canonists, numerous Supreme Congregations, and finally, the recent decision of the blessed Pope Pius VI, in his brief addressed to the Bishop of Luçon in France, dated May 28, 1793, which begins 'Perlectae sunt,' n. 3, in which the law of Trent remains suspended, as to its effect, even in those places where it was promulgated, and in its observance, whenever it cannot be observed any longer, or cannot be observed because insuperable dangers and obstacles are encountered, or are very difficult to overcome; and this happens when either there are no pastors, or access to them is not easy and safe."). Other pontifical documents of the same tenor are: S. C. S. Officii, January 15, 1784, addressed to the Vicar Apostolic of Sutchuen; S. G. Prop. Fide, March 1, 1784, addressed to the Vicar Apostolic of Tunk, Orient; the letter of Pope Pius VI to the Bishop of Luçon, May 28, 1793; the letter of Pope Pius VI to the Bishop of Geneva, October 5, 1793; S. C. Concilii, January 18, 1863; S. G. Prop. Fide, July 2, 1827, to 2™; S. G. S. Officii, July 1, 1863. The difficulty must be grave, common, and lasting. It was grave, according to the unanimous testimony of witnesses. They all testified that all commerce with the Island of Cuba, during the siege, from April 23, 1898, up to the day of the wedding, August 14th of the same year, was completely...

[*Latin ed. p. 883*]

The Roman Rota has remained in deliberation. And almost all, with only 883 dissenting, declare that communication with the island via cable was not possible. As an example, consider the testimony of Philippi Caballero: "He responded that it is true that 'during and at the time of the marriage between Estevez and Laza, the port of Havana was under siege, and it was not possible to enter or leave Havana to Tampa, or to any other foreign country, and that it was also not possible to communicate by cable with Tampa.'" The difficulty was also common, insofar as it opposed the particular, "for one and not for others," as explained by Emus Gasparri, vol. 2, n. 1175. It is not, truly, required that the difficulty exist for the majority of citizens or

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parishioners, as the esteemed Advocate for the Plaintiff would have it. For this does not concern the abrogation of laws by the cessation of the very purpose for which they were enacted, nor the derogation of the law by custom, or by a law contained within the customs of the people, and in some way promulgated by the same customs or actions of the people. Rather, the question is of a temporary suspension of the law, and the common nature of the difficulty is more properly understood from the side of the obstacle itself than from the side of the number, relative to the entire group of the parish, those who are prevented from obeying the law. This is sufficiently clear from the documents of the Holy See, where these same obstacles are discussed. Thus, the Holy Office, on January 15, 1784, to the Vicariate Apostolic of Sutchuen: "Although that law has been promulgated, marriages are nevertheless valid in the presence of only two witnesses, whenever in the place where the marriage is contracted, or in a nearby place to which it is possible to safely access, there is no parish priest or other secular or regular priest appointed by the Bishop; the Apostolic See, having been questioned on this matter several times, has responded in this way." Also, the Sacred Congregation of the Propagation of the Faith, on March 1, 1784, to the Vicariate Apostolic of Tunk, in the Orient: "Furthermore, it should be noted that even in places where the decrees of Trent have been promulgated, if, nevertheless, a parish priest cannot be conveniently obtained due to the distance of the places, marriages are also to be considered valid, according to the resolution of the Holy Office, as written in the notes of the Archive (as mentioned above)." Even if there were only a few marriageable faithful in a distant place without a priest appointed to assist at their marriages, their marriages contracted without a priest would be valid, because the cause itself is common, namely, the distance of the places, and it affects all, whether many or few, in the same place. In the pontifical documents, there is no question of a greater or lesser number, relative to the entire group of parishioners, those who, by reason of this common cause, would be exempted from the law. The same is evident from the Instruction of the Sacred Congregation of the Propagation of the Faith to the Prefect of the Mission of the Island of Curaçao, around the year 1783, concerning the marriages of the poor, as reported by Gasparri, De Matr., vol. 2, n. 1173. "The Prefect had explained..."

[*Latin ed. p. 884*]

Acts of the Apostolic See. - Official Commentary. 881, having enacted civil law for the island, by which it was prescribed that Catholics must contract marriage before a non-Catholic magistrate or a Protestant minister, or before a priest, in a religious ceremony, under a penalty of 500 florins. However, in order to contract marriage before a non-Catholic magistrate or a Protestant minister, the contracting parties themselves were required to pay 50 florins; so that, if they were poor and did not have such

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a sum, they could in no way contract marriage." The Holy Congregation responded: "Indeed, if poor and miserable persons are compelled to go before a magistrate or a Protestant minister, they may not, even with three or at least two witnesses of sound faith." It is not imposed upon the Prefect of Missions, either explicitly or implicitly, to inquire how many such poor persons there are, but it suffices that the fact of poverty is present, which encompasses a greater number, and not the majority of the community, so that they are thereby exempted by law. In truth, in the case of many citizens of Havana, as it can be inferred, even from the very reason for their flight, namely, the impending siege, and as witnesses testify, they fled from the island. Thus, Francis Urrutia and Emmanuel Monterò: "As many other Cuban families had done, they had 'emigrated there before the Americans blockaded Cuba.'" E. Romeu: "Catherine Laza left Havana, as did many families, fleeing the 'siege.'" The witness in the case states: "It is evident that the impossibility of communication, of which I 'have just spoken, was not particular to me, but was common 'to all.'" The refugees from Havana, and other inhabitants of that city who, perhaps for reasons of business, or recreation, or for some other purpose, were exiled from their homeland during the time of the siege, constituted a certain group of people who were held back by a common obstacle, preventing them from turning to their own parish priest. Furthermore, it was also a long time, so that it could be prudently considered that, on the day the marriage was contracted, it would still be difficult, for at least a month, to communicate with the Ordinary of Havana or with the couple's own parish priest. The Holy See, in a decree to the Bishop of Vallispranensis on July 1, 1863, states: "When access is difficult and unsafe, and it is unknown when a priest can be available, and it is foreseen that at least a month will pass before one can be found, and there is no one else who can take the priest's place, the marriage is valid without the priest's presence, provided that, as far as possible, the form of the Council is observed, namely, with at least two witnesses."

[*Latin ed. p. 885*]

The Roman Rota. 885. In fact, the City of Havana was freed from the siege on August 14th, the day before the wedding. However, this fact was unknown in Tampa, as is evident from the testimonies of witnesses. The father of the plaintiff testifies: "The marriage was celebrated while the blockade was still in effect." Furthermore, it is not apparent how news of the liberation of Havana could have reached Tampa before the marriage, considering what the witness L. Camargo y Samy stated: "It is certain that communication with Tampa by cable was impossible, since it was destroyed by the head of the American squad to prevent aid from reaching the besieged city." Almost all the witnesses agree with this, as they deny that cable communication was possible. Even ships, propelled by steam and therefore quite fast, can only travel from Havana to Tampa in approximately 32

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hours (Cf. Baedeker, United States, p. 628, edition of 1910). At the time the marriage took place, the siege had lasted for almost four months. The access to Cuba was still interrupted by the departure of warships from the northern part of the island, and only after some time was commerce with the island gradually restored. This was the nature of things, the order of peace being disturbed by the recent belligerent actions. These facts are relevant to the present question only to the extent that they allow one to form a presumption or provide evidence regarding the possibility of knowing, in Tampa on August 14th, about the time that still remained for the impossibility of communicating with the island concerning a private matter. Four witnesses assert that it would have been possible to foresee that the siege would last for a long time at that time. Nine others are uncertain, having no memory of any past prediction. And only one witness, the plaintiff in the case, states that a prediction could have been based on the imminent resumption of commerce with the island, saying: "The blockade of Havana, which had lasted for some time before my marriage, had ended around the beginning of August..." This statement directly contradicts not only all the other witnesses, but also the official document which declares that the siege ended on August 14th. Therefore, the marriage between Peter Estevez Abreu and Catherine Laza, even if the woman was not exempt from the personal obligation of the law of Trent, nor did she acquire the status of quasi-domicile according to the particular law for the United States of America.

[*Latin ed. p. 886*]

Acts of the Apostolic See. - Official Commentary. 886. It must be considered valid because, according to the law of Trent, it was impossible to observe. Having considered and diligently pondered all these things, invoking the name of Christ, We, the undersigned Auditors, sitting for the Tribunal, and with only God before our eyes, concerning the proposed doubt, We pronounce and definitively declare the judgment: that the marriage is not valid in this case, and furthermore, We declare that the expenses of the proceedings must be paid by Peter Estevez Abreu. Thus We pronounce, ordering the Ordinaries of the places and the ministers of the tribunals to whom it pertains, to order the execution of this judgment, and against those who resist, to proceed according to the norms of the sacred canons, and especially chapter 3 of Session 25, concerning Reforms, of the Council of Trent, using the executive and coercive means that may be more effective and appropriate for the circumstances. In Rome, on the 15th of July, 1910. John Prior, Presiding. L. Eg S. Aloysius Sincero, Joseph Mori. Sac. Tancredes Tani, Notary. III. VARSAVIA, OR LUBLIN. NULLITY OF MARRIAGE (SIEHEN-KOSCIELSKA). Under the blessed reign of Pope Pius X, in the seventh year of the Pontificate, on the 21st of July, 1910, the Most Reverend and Most Reverend Fathers, Auditors of Tournon, Presiding, Franciscus

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Heiner, of Varsavia, or Siehen, and of Lublin, with Catherine, the advocate for the petitioner in the cause of Nullity of Marriage, born Canonically of William and Joseph Mori, in the cause of Marriage, between Mr. Thaddeus Koscielska, represented by the legitimate advocate, Marinelli, and with the Defender of the Bond intervening ex officio, pronounced the following definitive judgment. In the parish church of Miloslaw, on the 22nd of June, 1907, Thaddeus Siehen, 23 years of age, and Catherine Koscielska, twenty-nine years of age, duly entered into marriage. However, the marriage did not end happily. It is known that Catherine was involved with a certain Anthony Karski, a man...

[*Latin ed. p. 887*]

887 In the Roman Rota, a married man, separated from his wife, declared that he would never again enter into marriage with the same woman. This led to quarrels and serious disputes between Catherine and her mother, Mary, who, in order to dissuade her daughter from an adulterous love, first sent her to the town of Posen for spiritual exercises; then, she proposed Thaddeus as a husband, and a marriage was entered into with him. However, four years after the marriage was contracted, Catherine abandoned her husband and went to the court of Warsaw, seeking to have her marriage declared null. After the proceedings were completed, the judges, on June 30, 1909, decided that there was no basis for declaring the marriage null; from this decision, Catherine appealed to the Apostolic Delegate Judge of Lublin. He, after reviewing the procedural records, overturned the original decision and declared the marriage null and void. As was fitting, given the insistence of the defender of the bond, the case was brought before the Holy Office, and today it is presented for discussion under the usual question: Does a marriage exist in this case? Consent, without which a marriage cannot be entered into, must be free from any coercion, whether physical or moral; therefore, not only force, but also fear, invalidates a marriage, as is evident from chapters 14, 15, and 28 of "De Spons. et Matrim." "Marriage," it is read (in the cited chapter 14), "is contracted solely by consent, and where consent is in question, it must enjoy full security, so that the will of the person involved may be ascertained, lest, through fear, they say they consent to something they hate, and thus suffer the consequences that often result from marriages entered into unwillingly." And rightly so; for although fear does not take away the ability to choose and consent, it makes the will more inclined towards that action from which, otherwise, the person experiencing fear would abstain. Therefore, through fear, that full freedom is taken away which the sacred canons require of those entering into marriage. However, the most prudent legislators did not intend that all forms of fear should be considered. Therefore, a slight fear should not be taken into account, lest marriages be declared null for any reason. It is therefore required that there be a serious fear, which is commonly

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said to be one that would terrify a reasonable man. Furthermore, it must be caused by a free cause, that is, by a person and without justification, that is, unjustly, and with the intention of extorting marital consent. With these things established, it was stated that Catherine had become intensely enamored of Anthony Karski, and despite repeated prohibitions from her mother, she persevered in her intention to marry him. This was confirmed by Catherine herself, and not only by her mother, but also by other witnesses. The situation was such that Thaddeus began to court Catherine, and asked her to marry him. Thaddeus received her proposal with great joy.

[*Latin ed. p. 888*]

888 Acta Apostolicae Sedis. - Commentarium Officiale. The matter: through this marriage, love for the husband was cut off, and the daughter was placed in a most honorable position. But Catherine felt aversion towards him, avoided him, and sometimes afflicted him. Thaddeus thrice requested Catherine's hand, and Catherine once and again rejected him, and finally entered into a betrothal with him, but remained cold and indifferent. Indeed, she described her aversion to the judge of Warsaw in this way: "I disliked Mr. Siehen; a feeling of hatred and abomination arose in me towards him, and I did not conceal this before him or before others." Mr. Siehen finally declared his love to me, but I rejected his proposal." The repugnance did not cease after the marriage was contracted. For, as the mother testified: "It was a miserable union. Not once did Catherine come to me and complain that she could not love her husband, that it was difficult for her to live with him; she asked that she might be separated from him. She reproached me, saying that I had broken her will and forced her to marry Siehen." With this repugnance and aversion of the mind existing, violence is presumed and freedom is taken away, as held by the Sacred Roman Rota in Decree 326 before Louis, no. 7 and 19, and as Cosci states in *De separationibus*, book 1, chapter 8, no. 54, writing: "On the part of the woman, it is said by witnesses that fear is proven, if they testify... about her aversion towards her spouse before and after the marriage." But in this case, the fear is not only presumed, but is also directly proven, from the confession of both spouses, and from the testimony of almost all the witnesses. It is clear that Catherine Koscielska described her suffering in a pitiable letter in this way: "Almost every day I shed tears, and my mother was always inflamed with anger towards me because of her resistance; she treated me severely; she called me a disobedient child, which exhausted and upset me to the greatest extent, so that I completely lost all constancy of mind and all tenacity of purpose... As the days of the wedding approached, with greater constancy and perseverance I demanded from my mother that she not force me to do this; but in response, great anger was poured out upon me, and she shouted: 'I

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want it this way, it must be done, this is already decided.'" And before the judge, she stated: "The third time I accepted the proposal of the husband, because my mother had forced me, with explicit commands, orders, anger, and threats, that she would drive me out of the house, and confine me to a monastery, and deny me her maternal blessing; she forced me to accept Siehen, and compelled me to give my consent to the marriage." Mr. Siehen, after relating several other circumstances, confirms under oath that his wife entered into marriage with him only because of the coercion imposed upon her by her mother. But most importantly, the testimony of Catherine's mother must be considered.

[*Latin ed. p. 889*]

The Roman Rota, in document number 889, describes in the following words how she compelled her daughter to marry: "It is true (she says) that Catherine was forced to marry Mr. Siehen against her will, on my part. I compelled her with a decisive order; I threatened that, in the event of resistance, she would be sent to a monastery, which I would actually do. I told her that I would disown her, and that she would not receive her mother's blessing. All of this terrified her... I did not change my intention, because I was convinced that she had her Karski in mind and therefore did not want Siehen." These statements are confirmed both by Catherine's sister and her brother. The sister testified: "My mother forced Catherine to marry Siehen... My mother insisted definitively that Catherine marry Mr. Siehen; she threatened that, in the event of resistance, she would be expelled from the house and sent to a monastery. As I believe, my mother was capable of carrying out these threats." The brother testified: "On the same day, in a nearby room, I heard my mother's voice... she said that she did not want to be ruled by others; that Catherine should marry Mr. Siehen; otherwise, she would be placed in a monastery. The day before the wedding, or on the day of the wedding, I heard my mother's voice again addressed to Catherine, and I heard these words: 'This is what I want, this is my will.'" These testimonies are particularly important, because kinship does not diminish, but rather increases, faith due to presumed knowledge and truth. Furthermore, the testimonies presented are consistent with the depositions of other witnesses, who are considered by all to be the most important in the trial, and who are declared to be such by the very esteemed Defender of the Bond. And not without reason; for, in addition to the testimony of the respective parish priest regarding the honesty and credibility of the person, each witness, according to the practice in force in the Warsaw court, is required to undergo a sacramental confession before being examined. Of these, I will mention only one, namely Paul Tarasowicz, who, among other things, stated: "Both the wedding ceremony and the wedding feast were somewhat sad and gloomy. Before leaving the palace to go to the church, as I was walking in front of the palace, I heard the

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voices of my mother and Catherine from a room in the building. My mother said: 'You must, I command you'; but the daughter only repeated: 'Mother, mother!'" I confess that certain statements were made by Dean Miloslawski and by Father Stanislaus Hundt, which do not seem to be consistent with the depositions of other witnesses. But the Dean himself admits: "I know the Koscielska family very little; I have only had rare dealings with them, and that only because of Jude. In advance, I only say that my statements should not be given too much weight. There were, in fact, force and fear... I do not know. I do not know if others knew about this coercion. When asked whether the consent, the wedding, the

[*Latin ed. p. 890*]

Acts of the Apostolic See. - Official Commentary. 890 "The marriage of the spouses Siehen was completed under ordinary conditions, and I declare: I know nothing personally about any coercion, betrothal, or the like." Therefore, the deposition of the Dean of Miloslavia cannot in any way be compared with the statements of other witnesses, who asserted, based on their own knowledge, that there was coercion. As for the Reverend Hundt, it is sufficient to point out that certain doubtful and difficult questions arose between him and the spouses Koscielska, which led to the Dean himself blessing the marriage. Otherwise, the Reverend Hundt admits: "I know very little about the Koscielska family... I cannot say anything certain about the character of the spouses," etc. Therefore, even if he believes that Catherine married voluntarily, this opinion cannot, by any means, overshadow what has been explicitly and clearly stated by others in court. Since it is clear from the evidence presented that Catherine entered into the marriage under the influence of fear, it must now be determined whether the matter concerns such a fear that invalidates the marriage. And first of all, there is no doubt that the fear was grave. Indeed, prolonged and persistent solicitations, repeated prayers, harsh words, and harsh language are sufficient to constitute a grave fear. For from the aforementioned, a most certain persuasion arises in the mind of the person affected, of the hatred and indignation of the parents, or of the superior, which, according to all Doctors, is a grave evil, so that the will, although unwilling, is compelled, all the more if the person affected reasonably fears that this indignation will last for a long time, or always. Thus, Sanchez, Lib. IV. Disp. VI. n. 14: "For who, being a steadfast and prudent man, would not consider it a grave evil to 'always have before his eyes an odious father, or man, or other person, with whom he is always to be associated?'" And the Rota, before Emerix, decision 870, n. 7: "Persuasions and prayers are considered in place of compulsion and coercion, and they instill a fear that falls upon a steadfast man, especially when it comes from a father and other superiors." Indeed, in the case of Siehen, the mother not only subjected Catherine to prolonged solicitations and persistent prayers, but also used threats, namely, the threat of

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deprivation of her inheritance, denial of her mother's blessing, expulsion from the house, and consignment to a monastery; these evils are considered grave and absolute, i.e., for all people, by the law itself. That Mrs. Maria Koscielska would carry out the aforementioned threats is evidenced by her statement: "I threatened that, in the event of resistance, I would have her placed in a monastery, which, in fact, I would do"; by the testimony of her daughter, Emilia: "I suppose that my mother would be able to carry this out"; and also by the character of Maria herself, who, according to the unanimous testimony of the witnesses, is an absolute mistress in the government of the household.

[*Latin ed. p. 891*]

The Roman Rota. The woman was strong-willed, tenacious of her purpose, persevering, nervous, and domineering, to the point that even the man himself was powerless to contradict her. The fear instilled in Catherine was also unjust. Although a moderate coercion of children by their parents is permissible, whereby they can encourage their children to enter into marriage through gentle persuasion and admonitions, nevertheless, they commit injustice and violate the rights of their children when they attempt to induce them to marry a particular person, even if the children have given cause for such coercion, as is stated in chapter 15, title I, book IV, where it is said that a marriage is invalid if it was contracted under fear, which the betrothed party, whether bride or groom, caused through a crime, or through illicit intercourse. Nor can it be said that in this case the fear was justified, because the mother instilled fear in order to dissuade her daughter from an illicit and adulterous love for Mr. Karski. Indeed, the mother of Catherine is to be commended when, in the town of Poznan, she compelled her daughter to write a letter to Mr. Karski to revoke the promise she had given him; but she is to be severely blamed when she used her own authority to bend Catherine's will to marry Thaddeus Siehen. And the fear was truly not only grave and unjust, but also directly instilled in order to extort consent. Furthermore, even if we were to admit that the mother initially instilled fear in Catherine in order to dissuade her from the illicit love that Mr. Karski was pursuing, it is nonetheless clear that the mother went too far with the fear, with the intention that her daughter would marry Mr. Siehen; therefore, the fear became a direct means of extorting consent for the marriage. After carefully considering all of these matters, We, the undersigned Auditors sitting for the tribunal, invoking the name of Christ and keeping God before our eyes, respond to the doubtful question and definitively pronounce our judgment: Affirmative, that is to say, that the marriage is null and void, and therefore we confirm the judgment. Delegates of the Apostolic See in Lublin. Thus we pronounce, and while we condemn Ms. Catherine Koscielska to bear all the judicial expenses, we command the local Ordinaries and the officers of the tribunals, to whom it

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pertains, to order the execution of this sentence.

[*Latin ed. p. 892*]

Acta Apostolicae Sedis. - Official Commentary. 892. Let them proceed with diligence and against those who resist, according to the norms of the sacred canons, and especially canon 3; Session XXV, De Reform., Council of Trent. To those who are refractory, let executive and coercive means be applied, which will be more effective and appropriate, according to the circumstances. Rome, July 21, 1910. William Sebastianelli, Prefect. Francis Heiner, Secretary. Joseph Mori. L.)$i S. Sac. Tancredes Tani, Notary.

SECRETARY OF STATE OF THE ROMAN CURIA

In the name of His Holiness, with a letter and a Brief from the Secretariat of State, the following were appointed:

October 29, 1910. — The Most Reverend and Venerable Monsignor Donato Sbarretti, Archbishop of Ephesus, Secretary of the Sacred Congregation of Religious.

November 3, 1910. — The Most Reverend and Venerable Monsignor Pellegrino Francesco Stagni, of the Order of the Servants of Mary, now Archbishop of L'Aquila, Apostolic Delegate to Canada and Newfoundland. — Monsignor Gabriele Colatei, formerly Auditor of the Apostolic Delegation to Colombia, Minute-taker of the Secretariat of State for the Section of Apostolic Briefs.

Apostolic Protonotary, as if participating:

September 14, 1910. — Monsignor Pietro Canétoli, Archdiocesan Vicar for the Basilica of Our Lady of St. Luke, of the diocese of Bologna.

Domestic Prelates:

September 27, 1910. — Monsignor Luigi Maurano, Archpriest and Vicarious Forane of Castellabate (of the Nullius Abbey of the Most Holy Trinity of Cava dei Tirreni).

October 17, 1910. — Monsignor Giovanni Storck, Dean and Parish Priest of the diocese of Spires.

HONORS

The Holy Father, with a letter and a Brief from the Secretariat of State, deigned to bestow the following honors:

The Order of St. Gregory the Great, civil class:

September 22, 1910. — To the Right Honorable Count Maria Bonifazio Massimiliano Hatzfeldt.

October 10, 1910. — To the Right Honorable Gioachino R. Guerra, residing in Cadiz.

October 14. — To the Right Honorable Cav. Romano de Soczynski, resid-

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ing in Filippopoli.

October 14. — To the Right Honorable Dr. Luigi Dogniaux, of Iumet, of the diocese of Tournay.

[*Latin ed. p. 893*]

Diarium Romanae Curiae. 893° The Knighthood of the Order of St. Gregory the Great, civil class: October 1, 1910. — To Mr. Antonio Laane, of Rozendaal, of the diocese of Breda. October 2. — To Mr. Vittore Kerekes, of the diocese of Munkacs. October 20. — To Mr. Oscar Gana Sérruys, formerly Second Secretary of the Legation of Chile to the Holy See. The Knighthood of the Order of St. Sylvester: September 19, 1910. — To Mr. Enrico Croci, of Rome. — To Mr. Ernesto Coletti, of Rome. — To Mr. Giovanni Battista Cortis, of Rome. October 8, 1910. — To Mr. Iosè M. Alves, residing in Hong-Kong.

THE PAPAL HOUSEHOLD, BY ORDER OF HIS HOLINESS: The Holiness of our Lord, with a letter from His Excellency, the Reverend Monsignor, the Major Domo, has deigned to appoint:

Secret Honorary Chamberlains, extraordinary: September 23, 1910. — Mons. Cesare Mambretti, of the archdiocese of Milan. — Mons. Giovanni Damasceno Fiadeiro. October 6, 1910. — Mons. Giuseppe Zumbo, of the diocese of Reggio Calabria.

Honorary Chamberlains of Sword and Cape, extraordinary: September 23, 1910. — Mr. Amedeo Gio. Battista Richardet, of the diocese of Paris. October 6, 1910. — Mr. Guglielmo Antonio Riedemann, of the diocese of Osnabrück. — Mr. Edgar Nölting, of the same diocese.

Secret Honorary Chaplain: September 7, 1910. — Mons. Luigi Pattaroni, of the diocese of Novara.

NECROLOGY: October 8, 1910. — Mons. Leonardo Stefano Deda, of the Order of Friars Minor, Bishop of Alessio. October 17. — Mons. Giuseppe Morticelli, titular Bishop of Caesarea of Philippi. October 23. — Mons. Costante Ludovico Maria Guillois, titular Archbishop of Pessinonte of the Latin Rite. October 29. — Mons. Giulio Varosy, Archbishop of Kalocsa (Hungary). November 1910. — Mons. Simone Aichner, titular Archbishop of Theodosiopolis of the Latin Rite. November 4, 1910. — Mons. Ernesto Fontana, Bishop of Crema.

ERRATUM: In No. 19 (October 10, 1910), page 739, line 4: instead of "quamobrem post editas," read: "quamobrem praesertim post editas."

[*Latin ed. p. 894*]

Acts of the Apostolic See. - Official Commentary. 894 APPENDIX OF THE HOLY CONGREGATION OF THE COUNCIL OF TRENT. DECREE ON THE DAILY COMMUNION OF THE HOLY EUCHARIST. The Most Holy Council of Trent, having considered the ineffable benefits which the

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Holy Eucharist confers upon the faithful who partake of it, (Session XXII, chapter 6) declared: "Indeed, the Council desires that the faithful, present at each Mass, may not only receive the Holy Eucharist sacramentally, but also communicate with a spiritual affection." These words clearly reveal the Church's desire that all the faithful should be daily renewed by that heavenly banquet, and that they may draw fuller effects of sanctification from it. Such desires are in harmony with the desire with which Christ the Lord instituted this divine Sacrament. For He did not once, nor obscurely, indicate the necessity of frequently eating His flesh and drinking His blood, especially with these words: "This is the bread that cometh down from heaven; that if any man eat thereof, he shall not die. This is the bread of life: come to me, all ye that labour and are burdened, and I will refresh you" (John, VI, 59). From this comparison of heavenly food with bread and manna, it was easily understood by the disciples that just as the body is nourished daily by bread, and the Jews were refreshed daily in the desert by manna, so too the soul of the Christian can be daily nourished and refreshed by the heavenly bread. Furthermore, because the Lord's Prayer commands us to ask for our daily bread, the Fathers of the Holy Church almost unanimously teach that this should be understood not so much as material bread, the food of the body, but as the Eucharist which should be taken daily. The desire of Jesus Christ and of the Church, that all the faithful should approach the sacred banquet daily, is primarily so that the faithful, being united to God through the Sacrament, may draw strength from it to restrain lust, to cleanse from the minor faults which occur daily, and to guard against the more serious sins to which human frailty is subject; and not primarily in order to give honor and veneration to the Lord, nor so that it may be taken by those who do so as a reward or recompense for their virtues (St. Augustine, Sermon LVII on Matthew, On the Lord's Prayer, verse 7). Therefore, the Council of Trent calls the Eucharist an antidote by which we are freed from daily faults and preserved from mortal sins (Session XIII, chapter 2).

[*Latin ed. p. 895*]

Appendix. – Decree of the Holy See. Concerning the daily reception of the Most Holy Eucharist. 895 The faithful, understanding the will of God, diligently sought this table of life and strength daily. They persevered in the doctrine of the Apostles and in the breaking of bread (Acts, 2, 42). The Holy Fathers and ecclesiastical writers have handed down that this also occurred in subsequent centuries, not without great benefit to perfection and sanctity. Meanwhile, piety was increasing, and especially after the Jansenist plague had spread everywhere, discussions began concerning the dispositions necessary for approaching frequent and daily Communion, and some, more than others, insisted that these were essential. Such discussions had the effect that few were considered worthy to receive the

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Most Holy Eucharist daily, and to draw fuller effects from this salutary sacrament; while others were content to abstain from it, or to receive it only once a year, or once a month, or once a week. Indeed, such severity was reached that entire groups were excluded from the heavenly table, such as merchants, or those who were married. However, some went to the opposite extreme, maintaining that daily Communion was a divine right. These, believing that no day should pass without Communion, and apart from other practices foreign to the approved usage of the Church, also considered and administered the Eucharist on Saturdays and Fridays. To this, the Holy See did not fail to provide its proper office. For, through a decree of this Holy Order, which begins with the words "Cum ad aures," on the 12th day of the month of February in the year 1679, approved by Pope Innocent X, these errors were condemned and abuses restrained, while at the same time declaring that all groups, merchants and married people included, could be admitted to the frequency of Communion, according to the piety of each individual and the judgment of his confessor. On the 7th day of the month of December in the year 1690, through a decree of our most holy Lord, Pope Alexander VIII, the proposition of Bai, which required the purest love of God, without any defect, from those who wished to approach the sacred table, was rejected. However, the Jansenist virus, which had infected even good minds, did not entirely disappear, and under the guise of due honor and veneration of the Eucharist, persisted. The question of the dispositions for properly and legitimately approaching frequent Communion remained, and it happened that some theologians of good reputation, in order to make the practice rare and with certain conditions, considered that daily Communion could be permitted to the faithful. Others, endowed with doctrine and piety, also...

[*Latin ed. p. 896*]

Acta Apostolicae Sedis. - Official Commentary. 896, would offer greater access to this most salutary and pleasing practice to God, teaching, with the authority of the Fathers, that there is no Church precept concerning greater dispositions, whether for daily, weekly, or monthly Communion; and that, in truth, greater benefits are derived from daily Communion than from weekly or monthly Communion. Questions concerning this matter have increased in these our days and have been agitated with considerable acrimony; by which consciences are disturbed, and the minds of Christians are harmed to no small degree, both in piety and in the fervor of faith. Therefore, the most fervent prayers have been presented to His Most Holy Father Pius X by most distinguished and devoted pastors of souls, that he might, with his supreme authority, settle the question concerning the daily taking of the Eucharist; so that this most salutary and pleasing custom might not only not diminish among the faithful, but rather be increased and spread everywhere, especially in these days in which the Catholic

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religion and faith are attacked on all sides, and true divine charity and piety are greatly desired. And his Holiness, with the greatest concern and zeal, wishing that the Christian people should be called to the Sacred Banquet very frequently, and even daily, and that they should enjoy its most abundant fruits, has entrusted the aforementioned question to this Sacred Congregation for examination and definition. Therefore, the Sacred Congregation of the Council, in its plenary meetings on December 16, 1905, reviewed this matter with the utmost care, and, after carefully considering various reasons, decided and declared the following: 1.° Frequent and daily Communion, as desired by Christ the Lord and by the Catholic Church, is permitted to all the Christian faithful of any order or condition; so that no one, who is in the state of grace and approaches the Holy Table with a right and pious intention, may be forbidden from it. 2.° The right intention consists in this, that he who approaches the Sacred Table does not indulge in vanity, or human reasons, but desires to satisfy the will of God, to be more closely united with Him, and to find in that divine remedy a cure for his infirmities and imperfections. 3.° Although it is most fitting that those who receive frequent and daily Communion should be free from venial sins, at least from those fully deliberated upon, and should be aware of their affections, it is nevertheless sufficient that they be free from mortal sins, with the firm purpose of never sinning again in the future; for with such a sincere purpose of the mind, it cannot fail to happen that those who communicate daily will gradually cleanse themselves from even venial sins and from their affections. 4.° Although the Sacraments of the New Law, although their effect arises from the action performed, nevertheless produce a greater effect when greater dispositions are made.

[*Latin ed. p. 897*]

Appendix. - From the Most Holy Council. Concerning the daily reception of the Most Holy Eucharist, 897. Let suitable dispositions be employed in those who receive it daily; therefore, it must be ensured that diligent preparation for the Holy Communion precedes, and that appropriate thanksgiving follows, according to the strength, condition, and duties of each individual. 5.° In order that frequent and daily Communion may be increased with greater prudence and merit, it is necessary that the advice of confessors be sought. However, confessors must take care not to dissuade anyone who is in the state of grace and approaches with a right intention from frequent or daily Communion. 6.° Since it is clear that from the frequent or daily reception of the Most Holy Eucharist, union with Christ is increased, spiritual life is more abundantly nourished, the soul is more abundantly instructed in virtues, and a pledge or guarantee of eternal happiness is more firmly bestowed, therefore, pastors, confessors, and instructors, according to the approved doctrine of the Roman Catechism (Part II, chap. 63), should frequently admonish and

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encourage the Christian people to make use of this most pious and most salutary practice. 7.° Frequent and daily Communion should be especially promoted in religious institutes of every kind; for which purpose, however, a firm decree was issued by the Most Holy Congregation of Bishops and Regular Canons on December 17, 1890. It should also be strongly promoted in seminaries for clerics, whose members minister at the altar; likewise, in all other Christian young people. 8.° If there are any institutes, whether of solemn or simple vows, in whose rules or constitutions, or even in their calendars, certain Communions are prescribed for certain days, these norms are to be considered as merely directive, and not as obligatory. The prescribed number of Communions, however, should be regarded as the minimum for the piety of religious. Therefore, more frequent or daily access to the eucharistic table should always be freely permitted to them, according to the norms set forth above in this decree. In order that all religious, of both sexes, may properly know the provisions of this decree, the superiors of each house will take care that it be read aloud in the vernacular each year during the Octave of the Feast of the Body of Christ. 9.° Finally, after the promulgation of this decree, all ecclesiastical writers are to abstain from any contentious discussion concerning the provisions for frequent and daily Communion. Having considered all of these matters, they were presented to His Holiness Pope Pius X through the undersigned Secretary of the Holy Congregation, and in an audience on December 17, 1905, His Holiness approved, confirmed, and ordered the publication of this decree of the Fathers, with all contrary provisions expressly set aside. Furthermore, He ordered that it be sent to all local Ordinaries and Regular Prelates, so that they may communicate it to their seminaries, parishes, religious institutes, and priests.

[*Latin ed. p. 898*]

Acts of the Apostolic See. - Official Commentary. 898, shall communicate, and shall inform the Holy See in their reports on the state of the diocese or institute concerning the execution of those things which are established therein. Given in Rome, on the 20th of December, 1905. f VINCENTIUS CARDINAL, BISHOP OF PRAENESTINUS, Prefect. C. De Lai, Secretary. II. DECREE CONCERNING HOLY COMMUNION FOR THE SICK WHO ARE NOT FASTING. After the decree concerning the frequent and daily reception of the Most Holy Eucharist was issued, and after the Indulgences were granted by His Holiness Pope Pius X on the 30th of May of the same year to all the faithful of Christ, who should devoutly recite certain prayers for the propagation of daily Communion; and after the addition of the decree for the City and the World, on the 14th of February, 1906, by the Sacred Congregation of Indulgences and Relics, by virtue of which the faithful could obtain all Indulgences through daily Communion, without the weekly obligation of Confession, it is scarcely necessary to say how

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joyfully such dispositions of the Holy See have been received, especially by Bishops and the superiors of religious Orders. Excited by this zeal to foster piety, the question was raised as to whether there might be some way to assist those who are suffering from prolonged illness and who desire to receive the Eucharistic Bread not once, but more frequently, but who are unable to observe the natural fast in its entirety. Wherefore, supplications were presented to His Holiness Pope Pius X; who, after mature deliberation and having heard the counsel of the Sacred Congregation of the Council, benignly granted that the sick, who have been lying ill for a month without any certain hope of a speedy recovery, may, with the counsel of a confessor, receive the Most Holy Eucharist once or twice a week, if they are sick who reside in pious houses, where the Most Holy Sacrament is reserved, or who enjoy the privilege of celebrating Mass in the domestic chapel; once or twice a month for the others, even if they have previously taken something in the form of a drink, with all other regulations observed as prescribed by the Roman Ritual and by the Sacred Congregation of Rites for this matter. Valid for the present, notwithstanding any contrary provisions. Given in Rome, on the 7th of December, 1906. f VINCENTIUS CARDINAL, BISHOP OF PRAENESTINUS, Prefect. C. De Lai, Secretary.

[*Latin ed. p. 899*]

Year 11. - Vol. 11. November 30, 1910. No. 22. OFFICIAL COMMENTARY OF THE AGTA APOSTOLICAE EDIS. PAPAL ACTS. POPE PIUS X. APOSTOLIC LETTER. THE NEW DOMINICAN FAMILY FOUNDED IN THE CITY IS COMMENDED, AND THE FACULTY TO PRESERVE ITS HOLINESS IS GRANTED PERPETUALLY. POPE PIUS X. For the perpetual memory of this matter. — We follow and honor with the greatest pleasure the illustrious Order of the Brothers Preachers, a nursery of men no less distinguished for their sanctity than for their doctrine, as is customary, by the will and initiative of the Roman Pontiffs. To this renowned Order, which one of the most important Saints founded, it will always be a source of great glory to number the Doctor of Aquin as one of its members, that most illustrious light, of whom it is rightly said that he has wrought as many miracles as the wise men have written articles. No less praise is due to the Dominican community, which, following its own precepts, strives and endeavors to preserve the Catholic truth integrally among the faithful, and to spread it far and wide among the Gentiles. Therefore, we have received with joy and gladness the news that the Superiors of this Order have recently taken care to erect in this our beloved City a house, or Pontifical College, encompassing young men of every nation, to which the angelic name has been given. And indeed, we have nothing older than the desire that there young men, eager to dedicate themselves to so glorious a family, may be instructed in both sacred and profane disciplines, or may begin their training in religion. Since these things are so, we commend Hyacinth

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Mariam Cormier, the Most Reverend Master of the Order of the Preachers, our beloved son, who fulfills his vows, and not only this new Institute, but also the aforementioned [fines] [Fismes], to the Author. ACTA, vol. II, n. m. — 30-11-910. 60

[*Latin ed. p. 900*]

Acts of the Apostolic See. - Official Commentary. We confirm what is presented to Us, but that all good, fortunate, and happy things may result from it, We implore God, and We grant the spiritual privilege requested by Us perpetually. Therefore, by the tenor of the present document, We grant, with Our Apostolic authority, a faculty that shall endure perpetually, by virtue of which, both within the aforementioned house chapel, and in the public temple annexed to it, the Sacrament of Augustum may lawfully be reserved and efficacious, provided that the Holy Sacrifice is celebrated at least three times a week in each of these places. We command, however, that a lamp be continuously lit before the tabernacle in which the Most Holy Sacrament is usually reserved, that the key to the same tabernacle be faithfully and diligently kept by the sacristan, or chaplain, and that all other things be carefully observed, which are prescribed by the laws of the Church for the custody and worship of the Most Holy Sacrament of the Eucharist. Notwithstanding any contrary provisions. Given at Rome, near St. Peter, under the Fisherman's ring, on the 14th day of June, 1910, in the seventh year of Our Pontificate. R. L. S. CARD. MERRY DEL VAL, Secretary of State. II. ERECTION OF THE SOCIETY DEDICATED TO BLESSED MARY VIRGIN, OF LAPURDENSIS, INTO AN ARCHICONFRATERNITY, IN THE CHURCH OF THE MINOR FRATERS CAPUCHIN, MANILA; EXISTING. PIUS PP. X. For the perpetual memory of the matter. — The Archbishop of Manila reports to Us that, since the year 1859, the Minor Friars Capuchin have fostered devotion to the Virgin of Lapurdens in the Philippine Islands. Before that time, the number of faithful in those islands who knew of the wondrous miracles of the Virgin was small, since the fame of the celebrated sanctuary of Lapurdens had not yet reached those distant shores. But in the year 1859, with the approval of the Archbishop, a confraternity dedicated to Our Lady of Lapurdens was canonically erected for the first time in the church of the Minor Friars Capuchin in Manila. This Society, favored by God, has grown so greatly in a short time, and has flourished with such a frequency of members, that it is now considered one of the most important confraternities in the Philippine Islands. Now, the aforementioned Archbishop of Manila applies to Us with earnest prayers, so that this same Society, which has so deservedly earned the best of merits for the Catholic cause in those islands, may be raised to the title

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and privileges of an Archiconfraternity by Us.

[*Latin ed. p. 901*]

We deem it fitting to acknowledge, with benevolence, the actions recorded in the Acts of Pope Pius X, number 901. We, for whom nothing is more cherished than the devotion of the faithful towards the Virgin of Lourdes, which is the safeguard of all graces, and which we desire to see increasingly amplified, consider it a source of great joy to grant approval to this matter. Therefore, by Our Apostolic authority, and by these presents, perpetually, We establish, erect, and constitute a Society under the title of Our Lady of Lourdes, canonically instituted within the Church of the Brothers Minor Capuchin in the city of Manila, as an Archiconfraternity, and We adorn it with the customary honors and privileges. Furthermore, We hereby grant, by these presents and perpetually, to the Moderator and Officials, present and future, of this Archiconfraternity, by Our authority, the following: that they may, within the boundaries of the Philippine Islands, and in accordance with the form of the Constitution of Pope Clement VIII, Our Predecessor of blessed memory, and other Apostolic ordinances issued above, canonically existing Societies of the same name and institution, aggregate them to themselves, and that they may lawfully communicate to them all and each of the indulgences, remissions of sins, and relaxations of penances granted to said Archiconfraternity by the Apostolic See, which may be communicable to others. We decree that these presents shall always exist and remain valid and effective, and shall fully produce and obtain their intended effects, and that they shall fully suffice for those to whom they pertain, in all respects and in every way; and that, accordingly, these matters shall be judged and determined by any ordinary or delegated judges, and that anything to the contrary shall be null and void, if, knowingly or unknowingly, anyone should attempt to alter them in any way, whatever the authority. Notwithstanding any contrary provisions. Given at Rome, at St. Peter's, under the Fisherman's ring, on the 27th of August, 1910, in the eighth year of Our Pontificate. R. L. S. CARD. MERRY DEL VAL, Secretary of State. III. CONFIRMATION OF THE CHANGES INTRODUCED BY DECREE OF THE REGULAR CANONS INTO THE RULES OF THE INSTITUTE OF THE HANDMAIDS OF THE IMMACULATE CONCEPTION. PIUS PP. X. For the perpetual memory of this matter. — Following in the footsteps of Our Predecessors, We turn Our paternal attention to the congregations of religious men from which the Church of God derives so many and such great benefits, observing them with diligent care, so that these same...

[*Latin ed. p. 902*]

902 Acta Apostolicae Sedis. - Official Commentary. These [religious congregations] are endowed with all those endowments which, according to

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what appears most suitable and opportune to Us, are more conducive to their utility, good, and growth. Among these fruitful congregations, which is deservedly to be commended, is that which bears the name "Missionaries of the Immaculate Mary," founded at ad Aquas Sextias in the Province, already in the year 1816, and which, by Apostolic Letters of the same date, March 21st, in the year 1826, granted by Leo XII, Our Predecessor, obtained the approval of the Institute and its rules. For this Congregation, which has adopted as its motto the words of the Divine Master: "The spirit of the Lord is upon me. Wherefore he hath anointed me to preach the gospel to the poor, he hath sent me to heal the contrite of heart,," has never failed to send many of its members to cultivate the Lord's field, who, working diligently, joyfully and with exultation, have carried their sheaves. Spread throughout the entire world, with God's favor, this Congregation now has nine provinces. Fourteen Apostolic Vicariates, in North America, in South Africa, and in Asia, are entrusted to the care of the Missionary Oblates of the Virgin Immaculate. Even Australia, so widely separated by land and sea, owes much to this Congregation. Thus, the field open to this Congregation is immense, like a palestra open to apostolic labors. The Roman Pontiffs, praising the merits of this Congregation, have followed it with laudable commendations, and have repeatedly, through Letters bearing the Fisherman's ring, strengthened the Institute itself with the intervention of Apostolic authority. Thus, Gregory XVI confirmed the rules of the Institute through Letters dated March 20th, in the year 1846, and Pius IX solemnly approved, through similar Letters dated March 28th, in the year 1851, certain changes and additions to those constitutions and rules, which had been established by the General Chapter of the Congregation itself. Indeed, in recent years, it seemed opportune to the Congregation of Bishops and Regulars, entrusted with judging the affairs of religious congregations, to decide and indicate that the constitutions of the aforementioned Congregation of the Missionaries of the Immaculate Conception should be amended so that they would conform to the current state of law; and the General Chapter of this Institute, convened for this purpose, introduced such innovations into the aforementioned constitutions that it almost gave them a new form. The changes made to the constitutions were such that they corresponded closely to the circumstances of the times and to the most recent Decrees of the Apostolic See, and the Congregation of Regulars, to which they had been transmitted, approved them through a decree issued on December 21st of the previous year. Now, the Venerable Brother Augustine Donte-

[*Latin ed. p. 903*]

The Acts of Pope Pius X, 903, Archbishop titular of Ptolemais, supreme Moderator of the aforementioned Congregation of the Oblates of the Immaculate Mary, humbly implores Us, that We would deign to confirm,

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through Apostolic Letters in the form of a Brief, the aforementioned innovation in the regulations of his institute; and We, recalling with the mind the historical memories of the aforementioned Congregation itself, which, over the span of time since its origin, has accumulated the greatest merits and is replete with them, have considered it most fitting to grant approval to these requests. Considering that these things are so, the variations which, as We have stated above, have been introduced into the constitutions for the use of the same Congregation of Oblates, have already been approved by this Holy See, as is evident from the decree which We have reviewed, issued by the Congregation for Religious Affairs on the twenty-first day of December of the past year. With Our own initiative and with certain knowledge and mature deliberation, We now again approve, and with the supreme authority of the Apostolic See, We strengthen and confirm them, and We declare them valid in all respects, by the tenor of the present document. We decree that these present letters shall always exist and be valid and effective, and shall have and obtain their full and complete effects, and shall fully suffice for those to whom they pertain, or may pertain, in all things and through all things: and thus, in the premises, they ought to be judged and decided by any ordinary and delegated judges, and shall be null and void, if anyone, through any authority, knowingly or unknowingly, should attempt to alter them in any way. Notwithstanding all Apostolic Constitutions and Ordinances, and all other things, whether specifically or individually mentioned, or deserving of special mention, which may be contrary to these. Given at Rome, at St. Peter's, under the Fisherman's Ring, on the seventh day of September, in the year 1910, in the eighth year of Our Pontificate.

R. L.

S. CARD. MERRY DEL VAL, Secretary of State.

[*Latin ed. p. 904*]

Acts of the Apostolic See. - Official Commentary. 904 LETTERS. I. TO THE REVEREND FATHER BERNARD HERRERA RESTREPO, ARCHBISHOP OF BOGOTA, COMPLETING TWENTY-FIVE YEARS OF HIS EPISCOPATE. Venerable Brother, greetings and the apostolic blessing. — Now, having learned of the approaching anniversary of your twenty-fifth year as Bishop, we have not been able to sufficiently express our wishes for your well-being; we have deemed it fitting to add our joy to yours through these very letters. This expression of piety is demanded by our pastoral duty. For we are not unaware that you are widely praised for this very reason: that, without neglecting any part of the sacred office, you strive greatly for the benefit of the clergy of your diocese, whether in the sacred seminaries where the hope of the Church grows, or, enriched by the priesthood, they may cultivate the vineyard of the Lord, so that, as the words of Saint Gregory say, whoever is joined to it may be seasoned with the flavor of eternal life. This is, indeed, an excellent and, especially at this

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time, a most fitting endeavor, when Christian discipline is called to a daily distinction from unrestrained licentiousness. For the power of example is great, and there is scarcely any means more suitable for leading men to Christ than the holy conduct of the clergy. For through this, anyone can be taught in a brief and effective way what the Christian profession demands, and the mind is more easily moved to pursue it. Therefore, continue the course you have begun: you see what the outcome of it will be, for you know well that the eternal joys of the entrusted flock will be the delights of the pastors. And so that, with the passage of time, your energies may not fail in your fruitful labors, we impart, Venerable Brother, and to all who are under your sacred authority, our heartfelt blessing in the Lord, with the heavenly auspices of good things. Given in Rome, at Saint Peter's, on the tenth day of October, in the eighth year of Our Pontificate. PIUS PP. X.

[*Latin ed. p. 905*]

Acta Pii PP. X. 905, To R. P. D. GUIDONEM M. CONFORTI, Archbishop of Parma, presented in two letters to the Most Blessed Father, out of respect for piety. Venerable Brother, greetings and apostolic blessing. — We have recently received two letters from you: one contained the names of priests from your clergy who, in a commendable manner, had withdrawn to renew their devotion, and who, to express their piety, added a contribution from the treasury of Saint Peter; the other contained the names of more diligent men from the same sacred order, who, at your invitation, had gathered together to deliberate on matters concerning the Catholic faith among these faithful, as the exigency of the times demands, in order to promote and strengthen it. Both are pleasing to Us and are a testament to your good will. It is pleasing to us to adorn the merits of those mentioned with commendation and to grant them favor. We desire that you, Venerable Brother, should make known in Our name to those who have signed the aforementioned letters, and that you should also make them partakers of the Apostolic Blessing which We impart to you, Venerable Brother, and to your entire diocese, clergy, and people. Given in Rome, at Saint Peter's, on the thirteenth day of October, in the eighth year of Our pontificate. PIUS PP. X.

III. To GREGORIUM M. CARD. AGUIRRE Y GARCIA, Archbishop of Toledo, to JOSEPHUM M. CARD. MARTIN DE HERRERA Y DE LA IGLESIA, Archbishop of Santiago de Compostela, and to the other Archbishops and Bishops of HISPANIAE, concerning letters full of piety inscribed to the Most Blessed Father. Beloved Sons and Venerable Brothers, greetings and apostolic blessing. — The common letters which you recently sent to Us are filled with a devotion to Us, which is not unknown to Us, but is nonetheless pleasing and welcome. You, Beloved Sons and Venerable Brothers, seek to console those who are grieving, and you diligently attend to the concerns that have long weighed heavily upon them and upon all

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ages. You have not forgotten Us, when, only a few days ago, in the very heart of the city, there were uttered blasphemous and scandalous words against those things which are most dear and sacred to Us.

[*Latin ed. p. 906*]

Acts of the Apostolic See. - Official Commentary. 906, you have exhorted us in such a way that you have borne your burdens with the utmost severity. Indeed, this wondrous conspiracy of piety greatly alleviates Our sorrow, to which the piety of all those united throughout the world of the faithful has contributed; and We bestow and hold in esteem the deserved grace for you all, mindful of your duty. Furthermore, whatever sadness the days may bring to Us and to you, let it not break your spirit, nor let us forget that we are members of that body and that head, which, for the sake of joy, endured the cross. May the Apostolic Blessing, a pledge of Our heavenly favors and a witness to Our benevolence, be with you, Our beloved sons and venerable brothers, clergy and people to whom your watchful care extends, most lovingly in the Lord. Given in Rome, at St. Peter's, on the twenty-sixth of October, in the eighth year of Our pontificate. PIUS PP. X.

ADDRESS.

THE HOLY FATHER POPE PIUS X TO THE FATHERS FRANCISCANS.

RESPONSE, GIVEN IN AN AUDIENCE ON THE FOURTH OF THE IDES OF NOVEMBER.

Your words, beloved sons, with which you have expressed such excellent sentiments, have deeply moved and greatly delighted Us, signifying the piety of your devotion to Our common Father. These things are all the more pleasing to Us, because they come from men of that religious order, whose institutions, traditions, and history are enduring monuments of love for the Church and of unwavering obedience. With fervent zeal, the disciples of St. Francis, flourishing in virtue and doctrine, and destined to increase the number of the blessed in heaven, never cease to feel for, to act in accordance with, and to defend the rights of the Apostolic See, not even at the risk of their own lives. A cause for joy is the thought that this demonstration of charity towards Us and towards this Apostolic See arises at the close of the seventh century from your Order, when We, not only have expressed to you Our benevolent sentiments and memories, bestowing benefits of which We are appointed dispensers by divine Providence, but We have also striven to draw closer the bonds of charity between sons and their common Father. Now, a willing and eager desire prompts Us to offer you thanks, because you have received Our admonitions, so that you may all consider yourselves, without any distinction, as sons of one and the same Father

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Francis.

[*Latin ed. p. 907*]

The acts of Pope Pius X indeed show families so distinct, yet united, so that there may be 907 individuals who, with one heart and soul, follow the discipline, and are one; common reasons are established for all; let justice be administered among you; and let you exhibit to the world an example of that concord which is derived only from divine grace. We also observe with gratitude that you are filled with charity, just as Francis, having spread the good fragrance of Christ everywhere, has made all things subservient to the sacred ministry and to the civil welfare of your province. Every day, you are urged to labor in proclaiming the divine word and in cultivating not only the civil, but also the human, aspects of the people who are still seated in death; all those experiences, which are most truly guarded by the works of mercy, in hospitals, in caring for the sick, in correcting bodies in public, and in bringing back souls defiled by vices. Finally, may justice and truth be rendered to you for your manly constancy in fighting; for the malicious arts and the power of those who strive against Christ and the Church, deeming that they have acted admirably with us, insofar as they allow us to live, while holding the sword of unjust laws to our necks. Continue, beloved sons, to fight with all your strength, and do not despair, even if things seem to be going according to the will of our enemies for a time. For the Church has been broken and cast down, but it is no longer permissible to fear, lest, with the help of God's protection, and bound together by the bond of faith and charity, we may not achieve victory. But to you, beloved young men, our mouth is opened with a special concern, who, as flowers drawn from a threefold religious family, have come to the city, to adorn your minds with virtue and doctrine, so that the effluvia of sanctity and the light of wisdom may be carried throughout all the regions of the earth. You are members of the Franciscans, professing the true and best image of Christian perfection, and you can draw lessons from the life of St. Francis for your own use, and become true disciples of Christ, not only observing the common duties, but also the evangelical precepts of life. You are chosen citizens of the Christian republic, who, seriously taking to heart the words and examples of the divine Master, have placed God in the proper place in their own souls and lives; who have understood that religion is, rightly, the greatest and first concern; who have made eternal salvation so important, as Christ said: "But one thing is necessary." Who, having renounced external and fleeting goods, in order to look solely to the ultimate purpose of life, have turned their minds to the Creator of all things; who, finally, have decided not to live for themselves, but for Christ Jesus.

[*Latin ed. p. 908*]

Acta Apostolicae Sedis. - Commentarium Officiale. 908 Because she is

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the exemplar of all virtues, and therefore, as much as they can, they strive to imprint the form of Christ within themselves. Wherefore, they seek to imitate Him, embracing His cross and living with Him, with one mind and soul, bound by the yoke of faith and obedience, mortifying the flesh that the spirit may reign, fulfilling those things that are lacking in the sufferings of Christ – always remembering the mortification of Jesus in the body... so that each one may say with Paul: "For to me, to live is Christ." They do not live for themselves, but for Christ, and only for Christ. Around their mouths, no other word resounds; in their hearts, all things live, move, and are; whereby their present life is like an apprenticeship and preparation for a far better one, which they anticipate, and which will be their gain, as it will be perfected with Him, who was their life, and will consume their union, according to the words of the aforementioned Apostle: "For to me, to live is Christ, and to die is gain." But he who wishes to imitate Christ must not only act, but also teach. And for this very reason, beloved young men, you have been called here, so that you may acquire that store of knowledge which can effectively withstand the false knowledge of those who are offensive to faith and reason, and who nevertheless seek to exert influence in schools. But true knowledge is that which is derived from the Holy Scriptures and from the traditions received and approved by the Church. Therefore, whether you speak of the principles of faith, or of the rule of morals, or of the laws of discipline, let your speech be always of the Church, and never of men. And let no diminution be made of any truth or law proposed by the Church, whose doctrine is full, complete, and most pure. Indeed, the integrity and purity of these doctrines can never be sufficiently commended. For those who fiercely attack the sacred traditions, as is the case today, there are those who consider it opportune, or even necessary, that the Church sometimes depart from the strictness of the old doctrine. But even though they urge the Church to steadfastly guard the truths and institutions which are not pleasing to worldly wisdom, they strive to persuade the ancient Mother to receive some of the ideas of the modernists; to yield, and to amicably compromise on matters; to allow certain men to live quietly, whose opinions, they say, are unchangeable, from whom the state and the Church itself can expect much benefit and glory. These and similar things are whispered by wiser men. You, beloved sons, will be urged by the words of Paul addressed to Timothy: "But you, O man of God, flee these things." – "the good fight of faith" – "the good thing which is in you." "Keep the deposit of the sound words which you have heard from me, in faith and love that are in Christ Jesus."

[*Latin ed. p. 909*]

From the Acts of Pope Pius X, 909, you have heard this in faith. And even if one were to be asked, for the sake of a useful gathering or in the hope of converting a multitude to the cause of Religion, to concede something

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concerning doctrine to the corrupt opinions of the world, let each of you consider what the Apostle said to his disciple: "Before God, who vivifies all things, and before Jesus Christ, who, under Pontius Pilate, gave himself up for our sins, I charge you to keep the commandment without spot, irreprehensible, until the coming of our Lord Jesus Christ." When will this incorruptible doctrine cease to be esteemed among men? When will the kingdom of pure and undefiled truth cease to reign in the world? Then God will again raise up His Son, whom only He, the all-powerful King of kings, can raise up in His own time. In the meantime, we are blessed and happy who are engaged in His service, to preserve the deposit intact and inviolate until the final coming of the Lord, when, with Saint Hilary, we shall exclaim: "It is better for me to die in this age, than, under the dominion of any power, to corrupt the virginity of the truth." You, however, beloved sons, will preserve the sanctity of your lives together with the purity and integrity of doctrine, if you constantly foster devotion to the Queen of your Order, the Virgin Mary, who is ignorant of all impurity. For through her, the Almighty God willed that we should have everything. The Magi, when they came to Bethlehem to adore Jesus, entering the house, found the Child with Mary, His Mother. Already, the Church is the house in which Jesus and Mary are encountered. What is Christian worship if not devotion to Mary, the Son? But if God has joined together what cannot be separated, surely you will not find Jesus except with Mary and through Mary. Indeed, holy men rightly call her the "living tabernacle." For she, established with us in this valley of tears, diligently shows us Jesus; she, merciful and pious, offers our prayers to her Son, to whom we daily cry out: "Show us, after this exile, Jesus, the blessed fruit of your womb."

May the Queen of Heaven and our advocate, Mary, continue to be with us in her maternal role, and may she grant us, sooner rather than later, to behold Jesus, not the King of terrifying majesty and the most severe Judge, but the gracious Savior, the serene friend, the merciful brother. As a witness to this grace and to our singular benevolence, we impart this Apostolic Blessing to you, beloved son, our Cardinal; to you, ministers general; to the directors; to the masters; to the students who are present; and to all the other brothers of your Order.

[*Latin ed. p. 910*]

Acta Apostolicae Sedis. - Official Commentary. 910. SACRED CONGREGATION CONSISTORY DECREE CONCERNING THE PROHIBITION OF CLERICS FROM TEMPORAL ADMINISTRATION. As the Apostle Paul teaches, no one engaged in military service should become involved in worldly affairs (2 Timothy, 4:10). Therefore, the constant discipline of the Church and sacred law have always held that clerics should not undertake profane occupations, unless in certain particular and extraordinary circumstances, and with legitimate permission. "Since those who are raised to

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a higher position are concerned with worldly matters," as the Council of Trent states in Session XXII, Chapter I, concerning reforms, "they must diligently observe, among other things, those matters which have been copiously and prudently established concerning the avoidance of worldly affairs." Now, in our own times, with God's favor, many works have been instituted in the Christian republic for the assistance of the faithful, primarily treasuries, savings banks, rural credit institutions, and charitable organizations. These works are indeed to be highly commended to the clergy, and should be fostered by them; but not in such a way as to draw them away from the duties and responsibilities of their condition and dignity, or to expose them to the anxieties, studies, and dangers that are always inherent in such affairs. Therefore, Our Holy Father Pope Pius X, while encouraging and urging the clergy to devote effort and counsel to the founding, maintenance, and expansion of these institutions, by the present decree absolutely prohibits all men of the sacred order, whether secular or regular, from undertaking or retaining those duties which involve administrative responsibilities, obligations, and the dangers that are inherent in them, such as the offices of president, director, secretary, treasurer, and similar positions. Therefore, Our Holy Father decrees that all clerics who are currently engaged in such duties shall, within four months from the publication of this decree, notify [the authorities], and that in the future, no member of the clergy shall be able to undertake or exercise any such office, unless he has previously obtained special permission from the Apostolic See for that purpose. Contrary provisions notwithstanding. Given at Rome, from the offices of the Sacred Congregation Consistory, on the 18th day of November, in the year 1910. L. C. S. CARD. DE LAI, Secretary. S. Tecchi, Assistant.

[*Latin ed. p. 911*]

Sacred Congregation of the Council. 911 Sacred Congregation of the Council of St. John of Mauriana. CONCERNING THE CARE OF SOULS. > August 6, 1910. By letters addressed to the Sacred Congregation, dated April 10 of this year, the Most Reverend Dom Adrianus Fodere, Bishop of the diocese of St. John of Mauriana, explained the following: "Certain parish priests of his diocese, who, for various reasons, are in need of being transferred to another place, now stubbornly refuse to exercise their pastoral ministry in another location, considering it too burdensome. Hitherto, exhortations and persuasions have proven fruitless. The reasons they offer are these: "1.° The promise of obedience made to the Ordinary upon their promotion to the office of the priesthood does not obligate them with such a great burden. If they had foreseen this, they say, they would never have made that promise. "2.° Disgust with the ministry or with parochial life in these difficult times. "3.° Weariness of having to beg for their sustenance and for the necessities of divine worship among their people. "4.°

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The perverse disposition of an ungrateful people. "5.° A less than satisfactory health, which is usually, and quite likely, feigned, in order to avoid undertaking a burden beyond their strength. Therefore, in order to satisfy his own conscience more safely and to follow a certain standard of conduct, he humbly and earnestly requests whether, concerning the priests lacking for his diocese: "1.° Can ecclesiastical penalties be imposed to compel those whom he judges to be suitable to once again accept the parochial ministry? "2.° Whether he ought to do so?" Although the same matter, as will be seen below, also pertains to the decision of the Sacred Congregation, and although, especially in France, after the law concerning the separation between the State and the Church, circumstances have changed considerably, the Sacred Congregation considered that the matter itself should be submitted again for the judgment of the Fathers.

[*Latin ed. p. 912*]

912 Acta Apostolicae Sedis. - Official Commentary. Synopsis of the discussion, taken from the request of the Consultor. The case, as is evident from the exposition, concerns removable pastors, or vicars, in France, who, for certain reasons, have been compelled to leave their pastoral duties and have transferred to another place, and who are unwilling to exercise pastoral duties there, but rather desire to remain free from pastoral care, even though the needs of the diocese require it, and the Bishop intends to obligate them. In order to respond to the petition in this case, it will be worthwhile to examine the question both in general, namely, whether the Bishop can also compel priests of his diocese, who are suitable and otherwise free from other incompatible offices, to accept the pastoral office, and in particular, with regard to vicars, and the following three points are to be examined: 1.° What should be considered, according to the sacred canons, regarding the matter at hand. 2.° What are the resolutions of the Holy Congregation regarding this matter. 3.° Whether the reasons presented by the removable pastors, as an excuse for not accepting the imposed burden, are valid in the case in question. Regarding the first point, the following should be noted. In ancient times, when there were no parishes, clerics were sent indiscriminately to live together, to provide assistance; and then, as often as necessity required, they were assigned spiritual duties by the Bishop, according to the spiritual needs of the faithful. Later, ecclesiastical benefices were established when communal life ceased, and then parishes also originated (see Bouix De Paroch., sect. 1, cap. 1): but these still did not have an assigned territory, and in the meantime, the Bishop designated clerics subject to him. In the decree Gratiam, cause 10, q. 1, c. 4, the following provision of Leo IV to the Bishops of Britain is read: "Each parish must be under the provision and care of the Bishop through priests, or other clerics, whom he shall provide with due regard for God, to whom it seems right to visit, as he sees fit, for the sake of ecclesiastical utility." Finally, the Council of Trent decreed

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that parishes should have an assigned territory, and a proper rector (sess. XIV, de ref. cap. 9, and sess. XXIV, cap. 13, De ref.): and it was established regarding clerics in general that they should only be ordained for the good and benefit of the diocese, and to a particular church, under the authority of their own bishop, so that they may perform their duties there. "Since no one should be ordained who is not useful or necessary to his churches, the Holy Synod... decrees that no one shall henceforth be ordained who is not assigned to that church, or pious institution, for whose necessity or benefit he is taken, but that he shall perform his duties there, and not wander about in uncertain places" (sess. XXIII,

[*Latin ed. p. 913*]

Sacred Congregation of the Council of Trent. (913, cap. 16, De ref., Council of Trent). From this disposition, it follows that each cleric, by virtue of the act of ordination, is considered incardinated in the diocese of his own Bishop, and is obligated to exercise ecclesiastical offices under his authority and to obey him. This obligation of clerics to accept the offices assigned to them by the Bishop is clearly explained by A. Bona! in his work, *Institutiones canonicae* (Treatise IV, n. 106, De Hierar. Episcopali), who summarizes it as follows: "This obligation [to accept assigned duties] arises both from the jurisdiction in the external forum which the Bishop possesses, and which his subjects are bound to obey; and also from the very purpose of ordination, by which the cleric remains under the jurisdiction of his own Bishop, so that, when the opportunity arises, he may provide for the needs or benefits of the diocese through the help of the Bishop; and also from the promise of obedience made on the day of ordination; and finally, from the impossibility of governing the diocese if any cleric were permitted to refuse a duty assigned to him by the Bishop." Since these things are so, it does not seem that one can doubt that Bishops, considering the law of Trent, can compel priests of their diocese who are otherwise suitable and free to accept the pastoral office, provided there is a spiritual need in the diocese, and indeed, with penalties threatened, because otherwise, this power would be ineffective in practice. In France, it should be noted that, after the concordat law introduced between Pius VII and Napoleon I in the year 1801, a double class of parish priests was introduced, namely, those who are cantonal or titular, and those who are removable at the will of the Bishop, who are commonly called *desservants*: these can be recalled and assigned elsewhere. Although this arrangement may not be considered legitimate in the sense of canon law, it is, in fact, the case that it was approved by the Holy See by a rescript of Gregory XVI, dated May 1, 1845, addressed to the Bishop of Liège: "Whether it is permissible and whether it obliges, until another disposition of the Holy See, the discipline introduced after the concordat of 1801, by which Bishops often confer jurisdiction over the rectors of churches, which are called *succursales*, which is revocable

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at will, and that those who are recalled or sent elsewhere, are bound to obey." The response was: "The Most Holy Father benignly approves that no change be made in the administration of the *succursales* of which we are speaking, until otherwise determined by the Holy See" (Bouix, p. 1, sect. IV, c. 5). Now, turning to the second point, it is necessary to consider in what way Bishops can make use of this power. In order to provide some safe path or norm in this matter, I believe it is appropriate to submit certain resolutions in the Sacred Congregation (as mentioned in the *H. S. C.*, page 49, 217), which announce the discipline in the ecclesiastical monitor (see also 7, part I, page 25; and those referred to in part II).

[*Latin ed. p. 914*]

914 Acta Apostolicae Sedis. - Official Commentary. These decisions fall into two categories: in one, the faculty is recognized in Bishops to compel priests, even with the aforementioned penalties, to assume the parish office when there is an urgent necessity, and for a time, according to the prudent judgment of the Bishop; in the other, the Holy See grants to the Bishop appropriate faculties to accomplish this, also limited in time and to cases of necessity. The decisions belonging to the first category are those issued in the cases of Urbevetana, May 10, 1766; Tridentina, August 18, 1860; Civitatis Castellana, 1862, in which the response was given as in Naxien, August 22, 1631: "That priests can be compelled by the Bishop to perform the service that the necessity or utility of the same church requires." More recently, in a Parmen., Concerning the clergy, of January 17, 1886, in question 3, formally proposed as follows: "Whether, under the same precept of obedience and with the same penalties, a Bishop can compel idle or nearly idle priests, and those weakened in health, to take charge of churches, until it is permissible to provide a pastor?" The response was: "Affirmatively, in cases of urgent necessity and for a time." Indeed, this decision was extended and amplified in a Calven., of March 28, 1890 (see the aforementioned ephemeris, 7. c, part. II, page 49); to the Bishop of Calvi, to whom the diocese of Theanensis is also primarily united: "Whether the priests of Calvi can be obligated by the precept 'of obedience, under a severe penalty, to be suspended from divine service and 'in divine service,' to present themselves as vicars or as parish priests by competing for the vacant parishes of this diocese of Teano, and whether it is also possible to obligate in this manner religious priests, who, for the present time, reside with their families?" The Holy See issued the following response: "Let it be known that, as in Parmen., of January 17, 1886, in the third question: as for religious men, to the extent that they live outside the cloister with the temporary permission of their Superiors, the matter should be dealt with (by the Bishop) with those same Superiors." According to the aforementioned decisions, it is established that Bishops, by natural right, can compel, at least for a time and in cases of necessity, even under penalties, the priests of their dioceses to accept the

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parish office. On the contrary, according to the decisions that belong to the second category, this power is attributed to Bishops in the aforementioned case only by Apostolic faculties; but these refer to Bishops of Galliae, and to parish priests who had already been relieved of their duties. In the year 1884, the Archbishop of Tolosanus presented the following question to the Holy See for resolution: "Since it often happens that priests to whom the charge of churches in rural areas, as they are called, has been assigned, seek to renounce their office, preferring idleness or an easier life, by requesting a transfer..."

[*Latin ed. p. 915*]

The Holy Congregation of the Council, having considered the matter, decreed that, even before the acceptance of such a decree, those who hold benefices properly so-called, should relinquish their benefices and return to their churches, so that it may happen that not a few priests, still possessing their full strength, may lead an idle life, both in the episcopal city and in the more important cities of the diocese, which causes scandal to the faithful. Meanwhile, many parish churches lack pastors, to the great detriment of religion, because the Bishop, due to the lack of priests, is unable to provide for them with a suitable pastor. Therefore, the Orator asks: "1. Whether it is permissible for these priests, who do not hold benefices in the proper sense, to withdraw from their office without first obtaining the permission of the Ordinary? 2. Whether, by order of obedience, and with the application of censures if necessary, the Bishop has the right to compel them to continue in their office, as long as he is able to provide for them with a suitable successor? 3. Whether, under the same precept and with the same penalties, the Bishop has the power to compel priests who are strong in their faculties and free from other duties to undertake the care of those churches, until he can provide for them in another way?"

The Holy Congregation, on May 9th of the same year, having considered the questions proposed, responded: "Considering the particular circumstances: 1. To the first question: Affirmative. 2. To the second question: Affirmative. 3. To the third question: Affirmative, with the force of the faculties which are granted to the Most Reverend Archbishop for seven years, if so long..."

Thus, in a document from Foroiulien, *Curae Animarum*, dated January 31, 1891, concerning the question: "Whether and how the power to compel, under the precept of obedience, and with the application of censures if necessary, should be granted to priests who are strong in their faculties and free from any other office, to undertake the care of souls and other duties necessary for the administration of souls, in the case in question," the response was: "Affirmative, in the terms of the rescript in Toulouse, concerning the third question, provided that the same circumstances concur."

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These two most recent decisions, as I noted earlier, apply to dioceses in Gallia, and especially to parishes that are usually administered by vicars. If one were to ask why suitable faculties have been granted to these Bishops by the Holy See, so that they may compel even refractory priests who are suitable and free from other duties to accept a temporary pastoral office, while other Bishops have a recognized natural power, perhaps it is because of special conditions introduced in Gallia after the Concordat (now violently abolished by the government) through the creation of these parishes, which...

[*Latin ed. p. 916*]

916 Acta Apostolicae Sedis. - Official Commentary. concerning those matters which have been directly approved by the Holy See (Bouix, ibid.); it could easily happen that priests, seduced by idleness, would reject the assigned office and create disturbances with the government; therefore, suitable faculties were granted by the Holy See to prevent this. Regarding the third point, namely, the reasons presented by priests for declining pastoral duties, the following should be noted: 1.° That priests are ordained for the good of the diocese in a spiritual sense; therefore, they should seek not their own advantage, but the salvation of souls. 2.° That what has been stated above should also apply to the parish priests in Gallia mentioned, who, having left pastoral care by moving to another place, refuse to undertake the same duty again in the new location. 3.° That, notwithstanding the above, serious reasons may arise in practice that excuse priests from accepting the office, such as, for example, reasons for renouncing an already accepted office, such as poor health, the hatred of the people, and other similar circumstances; in these circumstances, since the office to be undertaken rather tends to the detriment of the spiritual welfare of the people than to their benefit, prudence requires that priests in such a condition not be subjected to said burden. However, the Bishop must judge the validity of these reasons, always keeping in mind that the salvation of souls is the supreme law. Furthermore, the reasons presented in the request of the Bishop, as mentioned at the beginning, do not, in my opinion, appear to be sufficient to exempt these priests from temporarily accepting the care of souls.

RESOLUTION. The Most Reverend Fathers of the Holy Congregation of the Council, having considered the doubts proposed by the Bishop in plenary sessions held on August 6, 1910, decided to respond: Affirmative, provided that others are free, and as long as the Bishop cannot provide for the needs of the vacant offices and for the priests of the parishes in another way, with sufficient resources and with a willing spirit. On the 7th of the same month and year, Our Most Holy Lord, having heard the report of the undersigned Secretary, deigned to approve the resolution of the Most Reverend Fathers.

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C. CARD. GENNARI, Prefect.

L. Eg S. Basilius Pompili, Secretary.

[*Latin ed. p. 917*]

The Roman Rota. SACRED ROMAN ROTA, 917, COLONIAL. CONCERNING THE NULLITY OF MARRIAGE. During the blessed reign of Pope Pius X, in the eighth year of his pontificate, on the 27th of August, 1910, the Most Reverend Fathers, Gustavus Persiani, presiding, William Sebastianelli, and Joseph Alberti, Auditors, through the legitimate procurator, Vicarius Bernhardt, intervening ex officio, after hearing the arguments presented by Christophorum Astorri, the advocate for the petitioner, and by Ludovicus Bernhardt, the defender, rendered judgment in the cause concerning the bond of marriage. Antonius Hospelt, a native of Colonia, having been assigned to military service, was seized with a strong affection for a certain woman, named Ludovica Bernhardt, with whom he entered into an agreement to marry. When Antonius' father learned of this, and also recognized Ludovica's immoral conduct, he made no effort to dissuade his son from this intention. But in vain. For as soon as Antonius reached the age of majority, he went to Anglia with his beloved, and in London, on the 4th of November, 1903, he contracted a civil marriage with her. But this marriage proved to be unhappy. For eight months after the resumption of conjugal life, in June of 1904, Antonius filed a complaint for divorce before the Tribunal of Karlsruhe, which he subsequently re-filed in November of the same year, and again in June of 1905. The Tribunal, rejecting the complaint, granted a divorce based solely on the fault of the husband. But the higher Tribunal of Karlsruhe, in the appellate instance, with the judgment of May 20th, 1908, decreed a divorce based on the fault of both the husband and the wife: "The marriage contracted in London on November 4th, 1903, between the parties concerned, is hereby annulled due to the fault of both parties." Antonius Hospelt, encouraged by this judgment, considered himself free, and presumptuously attempted to contract marriage with Maria Asbach, to whom he had been devoted since his youth. But this was not the opinion of others, especially of the Parish Priest of St. Gereon in the city of Colonia, the Reverend Father Steinberg, who maintained that the marriage celebrated in London on November 4th, 1903, was also valid before the Church. Hence, the decision was made to seek a declaration of nullity of that marriage; and for this purpose, he appeared before the Judge of Colonia on July 22nd, 1908.

[*Latin ed. p. 918*]

Acta Apostolicae Sedis. - Official Commentary. In cause number 918, the case was introduced, and by a decree of April 22, 1909, the marriage was declared null: "The marriage concluded between Anthony Hospelt and Luisa Bernhardt on November 4, 1903, in London, according to canon 4, X, I,

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14, is declared invalid." However, the Defender of the Bond of Cologne, by virtue of his office, maintained that he could not agree with this judgment; and therefore, with due diligence and acumen, he appealed to the Holy Office. Therefore, in the present session at Turno, it must be determined whether the marriage entered into in London on November 4, 1903, between Anthony Hospelt and Ludovica Bernhardt, is valid, even before the Church, and the matter is to be decided under the formula of doubt: "Does the marriage in this case involve a nullity?" Regarding the facts. - Firstly, the Reverend Fathers and Doctors observed that the acts of the process had been completed by both parties, at least to the extent that the case could be decided. If any defect existed, it concerned the bond itself, rather than Anthony's freedom. Therefore, the Defender of the Bond of Cologne stated: "I reserve, especially with regard to the point in question, the right to provide a more precise clarification, as the course of the case may require." And the Defender of the Bond before the Holy Office stated: "If the circumstances permit, I consider it my duty to request that the witnesses previously mentioned be summoned to court and questioned appropriately." - On the contrary, Anthony Hospelt, through his procurator, contradicted these conclusions (New Restrictus nos. 8, 9, 10); and he requested no. 11, that the case be decided, stating: "Since, in this case, besides Anthony himself, there are not two, but four witnesses, certainly trustworthy and superior to any objection, who testify with their own knowledge about Anthony's own will, it is already abundantly clear that there is sufficient evidence to decide the present case." Therefore, the Defender of the Bond was interested in having the acts supplemented with further evidence; however, since he had not formally requested this, and having tacitly consented to the decision of the case, the Reverend Fathers considered that his merit should be taken into account in the state of the proceedings, and a judgment should be rendered; for although, on the part of the bond, with the exception of Ludovica Bernhardt, there is no other testimony in the records, nevertheless, there are sufficient legal elements that protect the bond, and the other party may have presented more just reasons, so that he himself considered other evidence to be useless. The Reverend Fathers and Doctors also observed that the marriage in question was celebrated.

[*Latin ed. p. 919*]

919 In the Roman Rota, it was argued whether a marriage took place in London between a Catholic man and a Protestant woman; or whether it concerned a mixed marriage celebrated in a place where the Decree of the Council of Trent (session XXIV, chapter I, on the Reform of Marriage) does not hold; or even whether it concerned a mixed marriage begun in a place not subject to the laws of Trent. Indeed, the Diocese of Borna-Rhenania is not bound by this law; for Pope Pius VIII, by Apostolic Letter dated March 25, 1830, issued this declaration: "Now, however, by these letters, we wish

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and command that mixed marriages which, after this, may be contracted in your dioceses, without observing the form prescribed by the Council, if no other canonical impediment hinders them, be considered valid marriages, as We, by Our Apostolic Authority, declare and decree that such marriages are true and valid, notwithstanding any contrary provisions." And Anthony Hospelt, as a citizen of Cologne, enjoyed this privilege. Whether Ludovica also enjoyed it is not entirely clear from the records. But, considering the places where she resided, the Reverend Fathers held a positive opinion, while no document whatsoever exists in the records to support a negative opinion. Indeed, Ludovica, born in a place commonly called Benterode in the Diocese of Hildesheim, resided in December 1908 in Cassel, in the Diocese of Fulda, with her parents: "Luisa Hospelt, née Bernhardt, born on March 24, 1879, in Benterode near Göttingen, a Protestant, now residing in Cassel with her parents, at Marktgasse, 15." But at the time the marriage was initiated, she resided in Strasbourg, where she had been with Anthony Hospelt for a year: "In 1902 and 1903, I became acquainted with Luisa Bernhardt in Strasbourg, at Hermerstrasse. She lived there then; we became more intimate, and we saw each other almost daily for a year, visiting each other." In all these places, the Council of Trent was not promulgated; indeed, concerning the place of Ludovica's birth: "it is morally certain that it has never been published in most of the Catholic parishes of the Diocese of Hildesheim" (Werber-Ehen, p. 249); a fortiori, it was not promulgated in Protestant parishes. Concerning the residence of Ludovica's parents, the General Vicar of Fulda testified: "The Constitution of the Council of Trent on the Reform of Marriage, session XXIV, chapter I, has not been promulgated, nor received as a Constitution of the Council, in Cassel." Moreover, in the Diocese of Argentoratum, the same holds true in Protestant parishes and places; indeed, the Sacred Congregation of the Holy Office, on July 5, 1848, decreed: "In the decisions of the fourth feria, March 2, 1842, namely, according to what has been explained, marriages contracted in Protestant parishes are valid, because the opinion of the Protestant minister and the civil official never takes the place of the Catholic parish priest; therefore, if (mixed) marriages are valid, concerning..."

[*Latin ed. p. 920*]

Acta Apostolicae Sedis. - Official Commentary. 920 "It is understood that it is found valid only for this reason, because the contracting parties, who are the parties in the case in question, are not subject to the decree of the Council of Trent. Therefore, Ludovica Bernhardt of Trent is not subject to that law. Consequently, it would be entirely useless to inquire whether the spouses Hospelt-Bernhardt requested a clandestine marriage in London in order to circumvent the law, and consequently, whether there is grounds for the sanction of Urban VIII in the Brief addressed to the Archbishop of Cologne, in the year 1627; for since they are not subject to the law of Trent,

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those who depart from a place where it is not in force do not violate the law, but rather exercise the right to which they are entitled, and therefore are not included in that decree. Although Anthony and Ludovica, with a single intention, requested to enter into a civil marriage in London, the decree of Urban VIII does not apply to them. (From the Sacred Congregation of the Council, February 8, 1860, De Angelis, Lectures on Canon Law, IV, 3, 8). The intention of both spouses in entering into the civil marriage was to protect themselves from the hostility of Anthony's father; therefore, they wanted to enter into a marriage that would also be recognized by the laws of Germany: "In order to avoid the investigations of my father, Bernhardt asked me to have the marriage, declaring that the persecutions of my father against her would thus end. - I was happy, because it was certain that my father could do nothing more against me. I knew that the marriage made in London was recognized by the laws of Germany, and that nothing could be done to me." Therefore, they acted in such a way that, not only in England, but also in Germany, they would have spouses for whom any attempts by the father would be harmless. It remains to be examined what is the meaning and what nature this act has, and the question ultimately comes down to whether the civil marriage of Anthony Hospelt with Ludovica Bernhardt - among whom no impediment exists according to the records - is to be considered a true marriage, or rather a mere civil ceremony. The law that applies. - The Most Reverend Fathers have undertaken to examine this question solely with respect to this purpose; since the question of clandestine marriage cannot be raised in this case, there remains only to determine whether a true marital consent was expressed by the spouses Hospelt-Bernhardt in entering into the civil marriage. The Tribunal of Cologne examined this question; and even the advocate for the cause seems to admit this, who, in the Restrictio, having abandoned the province of clandestine marriage, insists solely on excluding marital consent. Indeed, since the marriage, having not been elevated by Christ the Lord to the dignity of the Sacrament, does not cease to be a natural contract..."

[*Latin ed. p. 921*]

921 The Roman Rota: The natural contract itself is enhanced by the dignity of the Sacrament (Pius VIII, Encyclical, Humilitatis, May 24, 1829); and therefore, the Sacrament is not distinct from the contract, but both constitute a single individual (Pius IX, Encyclical, Ad Apostolicae, 1851). But in marriage, the contract is the principal element, and the Sacrament is accessory; therefore, as with other contracts, marriage is perfected by consent (G. 5, de Bigam., L. 30, de B. L). Whether consent is expressed in one way or another, unless it is contrary to the law of Trent, it makes no difference, provided that it is genuine (G. 1, de Spons. duor. - S. Alph., VI, 887). Therefore, according to the ancient law of the Decretals, the marriage

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was considered valid regardless of how consent was expressed (G. 1, de clandest. despons.). This still holds true today in places where the Decree of Trent does not hold force, that is, where it has never been promulgated, or where it has fallen into disuse (from Bitter, Pius VII, to the Bishops of Mogunt, October 8, 1803); indeed, it holds true even in civil marriage, but not absolutely. For, as is now accepted in our times, civil marriage is entirely and completely distinct from religious marriage; it is not a true marriage in itself, but only a civil ceremony prescribed by law, from which the civil rights of the spouses depend; therefore, if the marriage does not also take place according to civil law, the civil rights do not pertain to the marriage; and therefore, neither the dowry, nor parental authority, nor the children (according to this law) belong to the marriage; indeed, even the validity of the legitimate betrothal is not understood (f§ 12, de habet, Benedict XIV, Inst. Eccle., XLXVI, - S. C. C., March 13, 1879). - However, nothing prevents the possibility that, in places where the Council of Trent does not hold force, a truly marital consent may be added to a civil marriage: which, if it is added, makes the civil marriage a true marriage, but by accident. Indeed, the Doctors teach: "Whether the contracting parties are spouses or not, whether they are Catholics or non-Catholics who have been baptized, who are not subject to the law of Trent, in a purely civil marriage ceremony, even though it is illicit, they enter into a valid marriage, provided that they have the intention of truly contracting marriage, and no other canonical impediment exists; but if they only intend to perform a civil ceremony, and from their intention follows a true matrimonial contract in the Church before a minister of the cult, then the civil marriage is completely devoid of value. Therefore, in these places, civil marriages are not valid because of the form and the civil law observed, not absolutely and simply, but with the qualification - provided that there is mutual consent of the spouses - i.e., of the parties, according to the provisions of the ancient law of the Decretals" (Wernz, Ius. Matrim., page 326. Cf. Card. Gasparri, De Matrim., Vol. II, n. 1526). Therefore, mixed marriages celebrated before a civil magistrate, not observing the form prescribed by Trent,

[*Latin ed. p. 922*]

Acta Apostolicae Sedis. - Official Commentary. Where it does not hold, Pope Pius VIII, in the Constitution *Liberis*, on March 25, 1830, declared and decreed that marriages must be held to be valid and true. Therefore, in order to render a just judgment concerning a civil marriage begun in places subject to the laws of Trent, the will of the contracting parties must be examined; for marriage is valid or invalid, even before the Church, according to whether true marital consent has been expressed, or rather, has been absent. Therefore, in our case, the question to be resolved is not one of law, which is already defined, but a question of fact; it must be determined whether Hospelt and Bernhardt intended to enter into a true marriage, or

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rather, merely to perform a civil ceremony. Indeed, the Reverend Fathers have retained the opinion that, although the Church does not expressly establish a presumption of law in favor of a civil marriage celebrated in places not subject to the laws of Trent, this presumption, in a specific case, should nevertheless be maintained beyond all doubt. For the Sacred Congregation of the Holy Office, on July 2, 1892, in a letter to the Archbishop of Cologne, declared: "The presumption stands not for nullity, but rather for the validity of both marriages (i.e., mixed marriages, whether celebrated civilly or before an unCatholic minister in secret, which are exempt from the laws of Trent in those places)." And rightly so: for, in places subject to the laws of Trent, clandestine marriages are healed in their root by the Holy See, provided that the prior consent persists; it is presumed that the spouses, in performing the civil ceremony, expressed true marital consent; otherwise, there would be no object of healing, namely, natural consent, which, as the root, could be healed; nor could its perseverance be conceived, if the consent itself was lacking from the beginning. A fortiori, it must be admitted in a civil marriage begun where the Decree *Tametsi* does not hold; especially in the case in question, at least according to the aforementioned declaration of the Sacred Congregation of the Holy Office. Furthermore, he who has a presumption against himself, if he wishes to prove the contrary, is burdened with clear and stronger proof (Decisions of the Sacred Roman Rota, dec. 117, n. 3; dec. 290, n. 1; dec. 469 n. 2, par. 3; dec. 45, n. 7, par. 4, Vol. I). Therefore, Anthony Hospelt will not be able to annul the civil marriage with Ludovica Bernhardt unless he clearly demonstrates that marital consent was absent, and that only a civil ceremony was performed. For "that presumption, which makes an act valid, is the queen of all presumptions, and therefore, the validity of the act is presumed, until it is proven to be invalid." (Reiffenstuel, L. 2, vol. 23, n. 91). Indeed, after examining the procedural acts, and having them properly reviewed, the Reverend Auditors maintained that Anthony Hospelt had not legally proven his intention. In fact, he himself said: "My intention, at the conclusion of the marriage, was to regularize my relationship... My intention was..."

[*Latin ed. p. 923*]

"Only to bring the matter into order before the civil law." This affirmation is also confirmed by witnesses presented by him. But no one can deny that there is no juridical proof arising from this, since there are very serious reasons why credence cannot be given to them, or at least they should be called into doubt. Indeed, as far as Anthony Hospelt is concerned, although the parish priest gave him a favorable testimony, saying: "Although I have known him for the past ten years, and for several years he has given himself over to levity and licentiousness, I have never found him to be a liar, but rather, I have always found him to be truthful," nevertheless, no credence can be given to his testimony in the present judgment. For first,

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from the fact that the parish priest has never found Anthony to be a liar, it does not follow that he has never lied, nor that he is entirely incapable of lying; especially in the present matter, in which there are special and serious reasons for lying. But furthermore, even setting this aside, Hospelt gave testimony in his own favor, and that at the most suspicious time, namely, when it was most in his interest, namely, when he was trying to dissociate himself from the life he had led with Ludovica. Therefore, one may doubt whether he spoke out of love for truth, or for other less commendable reasons. Therefore, his testimony is considered suspicious and, for this reason, Anthony is not to be admitted as a witness to prove against his own marriage. For "the oath taken by spouses, as well as their confession, can equally provide or supplement proof of the impediment existing." Austrian Instruction, n. 169: "The confession made by spouses after the marriage has been contracted, to the extent that it is contrary to the validity of the marriage, is entirely devoid of force." Ibidem, n. 148. Cf. Rotae dec. 264, n. 44, Par. 5. Tom. I, recent; also dec. 155, n. 57, p. 6, recent, where it is said: "The confession of a spouse is not considered in matters concerning the dissolution of the bond": and Lega, who says: "In cases of nullity, the confession, even sworn, of a spouse is suspicious and of almost no value when it is given at a suspicious time, or after an accusation has been instituted against the marriage." The same actor's reprehensible way of life increases the suspicion, not only that which preceded the marriage with Ludovica, but also that which followed it, from which neither is there evidence of Anthony's upright conscience, which is fitting for a Catholic man; nor is due reverence for the authority, doctrine, and discipline of the Church apparent. For not only did Anthony shamefully associate with Ludovica before he married her, and also committed himself to other women, while married, either in houses of prostitution, or in other private places, as is freely explained in the judgment rendered on May 20, 1908, by the civil court of appeals of Karlsruhe, but also, during the course of this process, he disregarded divine law, and gave a pernicious and scandalous example, publicly...

[*Latin ed. p. 924*]

924 Acta Apostolicae Sedis. - Official Commentary. In a matter of the utmost gravity, he acted, as testified by the Cardinal Archbishop of Coloniensi, who in a letter dated July 22nd, recently deceased, stated: "The aforementioned [person] having delayed further, attempted new marriages purely in a civil manner, with a Catholic woman." This is corroborated by what Becker states: "Those who attempt civil marriages, especially if they have notoriously lived in a state of concubinage, are to be equated with public sinners, and the legal norms applicable to these sinners are to be applied to them." (De Spons. et matrim., 2nd edition, page 142). Can one, who with this most deplorable way of living has so

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gravely and habitually transgressed the law of God before the Church, be considered worthy of having faith applied in his own case? The Roman Pontiffs do not concede this. Furthermore, the testimony of Antonii, even if given by witnesses, cannot be considered reliable. Emmelina Debal, the widow of Johannes Hospelt, the actor's mother, whose integrity cannot be doubted, is indeed a witness, and the parish priest testified that she is entirely worthy of faith; however, she, though deceived, has deceived. For she herself testified in court that, after the marriage with Ludovica had been celebrated, "only when the marriage had already been concluded did we become aware of it. My son declared to me, and precisely for years, that he did not consider the marriage concluded in London to be valid, because he had not been married in the Church." Therefore, the mother's testimony is confounded with the testimony of her son, and deserves no more credence than that. And this is all the more to be considered if one attends to the fact that Emmelina's testimony was negative regarding those things that accompanied the celebration of the marriage, and that she was completely ignorant of this event; when asked, "Did you ever have knowledge of how he came up with the idea of marrying in London, and what purpose he had in mind with this?" she replied: "I have no more precise knowledge of this. I do not believe that he was informed that, through a purely civil marriage, one could validly marry even before the Church." Furthermore, from the particular circumstances of this case, reasons arise that cast suspicion on the mother of Antonii, not certainly from a deliberate intention to deceive, but rather from a maternal affection that is not incapable of being misled. For, on the one hand, she desired the marriage of her son with Maria Asbach, and she strove to bring it about as a remedy for his incontinence; on the other hand, this desire was hindered by the marriage of Antonii with Ludovica, which, as long as it was not legally declared null, would prevent him from marrying; therefore, it is not surprising that this pious woman, moved by maternal affection, and more by emotion than by reason, may have tried to free her son from the necessity in which he had placed himself by going to London with Ludovica to maintain a perpetual life together, and to free him from the bond in which he had entangled himself. Therefore, Instruction A u -

[*Latin ed. p. 925*]

The Roman Rota. In the year 925, it decreed that blood relatives of a spouse should be excluded from giving testimony. (Instruction of Austria, no. 155, 156; Rosset, no. 3745; Kugler, no. 88). Nor can the testimony of Maria Asbach be admitted, who was legally dismissed, and who testifies with the favor of Anthony.

For what does she actually say? "Anthony Hospelt told me that he had expressed his opinion regarding his relationship with the Bernhardt, namely, that he did not consider this relationship as a bond." Therefore,

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Maria reports only what she learned from Anthony himself, and that at a suspicious time, namely, when the marriage with the aforementioned woman was being considered. "When I later questioned him about this (regarding the 'civil contract' with Ludovica), he replied that, after the 'civil' divorce, 'we could have gotten married.'" Therefore, Maria's testimony is not only one and the same with the testimony of Anthony, and is not distinguished from it, but she also reports a suspicious circumstance regarding Anthony himself, who, for this reason, declared himself free, so that Maria would believe that marriage with him was possible, and would not turn her affections to another man. Indeed, it is far from the truth that she acknowledged Anthony's intention in entering into the 'civil' marriage; rather, she is completely ignorant of that contract, until she was informed about it by Anthony's mother. "I declare expressly that I was informed only by the mother of Mr. Hospelt regarding his marriage before the civil authorities." In this matter, it will be unnecessary to observe that Maria has not always narrated this event in the same way; for when she testifies before the Judge of Cologne, she states that she first learned of Anthony Hospelt's 'civil' marriage from his mother; but before the Judge of the Civil Tribunal of Karlsruhe in the divorce case, she says: "that I learned that Mr. Hospelt was married only through a letter from the plaintiff of November 12, 1904." Whether Maria learned of the celebrated 'civil' marriage from Anthony's mother, or from a letter from Ludovica, her testimony does not refer to the intention that the spouses had in entering into that contract, and therefore, from the side of this witness, it is not acknowledged whether there was marital consent, or not, in the contract.

Although the Parish Priest may testify that Maria Asbach is worthy of belief, in this case, her testimony is not without suspicion; for it is in her interest that the nullity of the alleged marriage be declared, so that the impediment that prevents the marriage before the Church from being celebrated with Anthony himself be removed: "When Mr. Hospelt expressly declared to me that there had been no ecclesiastical marriage, I did not see any obstacle to our marriage from the fact that the civil marriage had been celebrated; consequently, no further question was raised about this between us." This suspicion is demonstrated by the very way of life of the aforementioned Maria, who certainly did not foster chaste affections with Anthony Hospelt. When questioned...

[*Latin ed. p. 926*]

Acta Apostolicae Sedis. - Official Commentary. The judge, in the divorce case, states that the woman herself does not deny: "After her 'prayer' (Anthony's), in October 1905, I spoke with him again. After that, it happened several times, and especially this year, that we went for walks alone. We chose places that were not deserted, but certainly not very crowded. As a result, we kissed. I always had to return home early... I gave him a medal-

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lion with my portrait. It is also true that I signed this letter: 'Your little wife, your Titina'." And even more serious matters are related in the divorce judgment: "The relationship itself with Helena Mulier (Kellerina) must be considered a grave violation of the duties founded on marriage. The same must be said of the querent's (Hospelt's) love affair with Miss Asbach of Cologne. The querent often had appointments with her. He kissed her and exchanged love letters with her. When Miss Asbach was asked if she had committed adultery with the querent, she refused to answer, citing paragraph 384, section 2." Adultery is not explicitly stated in the judgment: "The circumstances of this case... do not allow one to assume, from this refusal to testify, that there were sexual relations between Miss Asbach and the querent; but there was, at least, a connection of souls, and an illicit love, so that even the judgment itself considers it a grave violation of the duties founded on marriage, and that the marital separation between them (Hospelt and Bernhardt) has been necessary in many respects. Therefore, Mary's testimony is not only confused with that given by Anthony, but is also resolved in her favor, since it is in Anthony's interest for her to be declared free; and therefore, she is suspected, and is not admitted in the present judgment. Furthermore, what was said about Anthony Hospelt, in order to exclude him from giving testimony, should also be understood about Mary Asbach; for in the present judgment, she attempted a civil marriage with Anthony Hospelt, and caused a public scandal in Cologne: for which reason she is unworthy of trust. Doctor Edmund Wirtz, of whom the Cologne judge has written worthy praises: "he is also known to the Tribunal as perfectly conscientious," what does it matter? "I asked him for his opinion on the matter. It turned out that he had no idea of this: that is, that he, through a civil marriage in London, might have also concluded a valid marriage ecclesiastically. He had not thought about this at all." But these words are not entirely trustworthy, not certainly because of the witness's wicked will, but because of the condition and weakness of human nature. For when before

[*Latin ed. p. 927*]

The Roman Rota. In defending the case before the civil tribunal, Anthony had so strongly asserted his position that he appeared to be concerned only with upholding the legal rights of his client in court, and conversely, with preventing any injustice to Ludovica. Therefore, it is not surprising that the aforementioned criteria led him to perceive the complete freedom and independence of Anthony from Ludovica, and to interpret all of Anthony's words and actions in that light. Indeed, Doctor Wirtz presented his opinion, which he had formed based on Anthony's responses, and this opinion is nothing other than Anthony's own opinion, who believed that he was disclosing his legal rights to the Advocate in order to defend them in court. Furthermore, although Doctor Wirtz is highly skilled in civil law,

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there is some reason to doubt his competence in the present matter; for he himself did not know that a civil marriage celebrated in London could be considered valid before the Church, until an ecclesiastical lawyer, Doctor, informed him of this in canon law: "As far as I remember, I had the opinion that the marriage concluded in London could not be considered an ecclesiastical marriage. However, I spoke to Mr. Canon Dr. Steffens, and I heard from him that the civil marriage performed in London was indeed considered a valid marriage." Therefore, it is permissible to doubt whether the questions posed by Advocate Wirtz were correct, and since the answers should be analogous to the questions, there is also room for doubt about the meaning of the answers; and consequently, how much weight can be given to the opinion that the Advocate formed? It cannot be stated with certainty. Finally, Michael Euler, who, according to the testimony of Reverend Schmitz, the assistant pastor of Cologne Dentz, is a person worthy of trust, recounts either statements that reveal his opinion regarding the nature of a civil marriage, or statements that are not relevant to the present matter; he says: "I have tried several times to persuade my old friend Hospelt to end his relationship with Bernhardt, because I have never considered that relationship to be a true marriage; a true marriage has not taken place. I gather this from the statements of Mr. Hospelt. If that was indeed his intention, I do not know." Therefore, Euler, who, based on Anthony's affirmations, did not consider the marriage celebrated in London to be a true marriage, and who only testified to what Anthony himself testified, what was his intention, from which he acquired the belief that it was a civil marriage? He completely ignored the ceremony celebrated in London. Therefore, nothing arises from his testimony that excludes the existence of a truly marital consent in the celebration of the civil marriage between Hospelt and Bernhardt. Since no other testimony exists in the records that favors Anthony, the Rota A.A. held that the plaintiff had not proven his intention.

[*Latin ed. p. 928*]

Acts of the Apostolic See. - Official Commentary. 928, which, with manifest, conclusive, and stronger proof; and this is sufficient for the instance to be rejected; for with this established, the presumption in favor of marriage remains. However, after considering the facts, it was deemed that such arguments arose from these that they truly constitute moral certainty, that Anthony and Louise entered into a civil contract with marital consent. Therefore, the presumption of the law was converted into truth. Since marriage is the principal and sacramental bond of the two, everything must be evaluated from the contract. In general, a contract consists of mutual consent, duly and expressly expressed, constituting the formal essential object of the contract itself. But marriage, as a contract, is the union of man and woman, maintaining an individual life together (§ 1, on Parental Power,

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chapter 11, § and also on presumption). This means both the contract of this union (chapter 4, on Bigamy, Law 31, on B. Z), and the union itself, which, being primarily ordained for procreation, cannot occur except between a man and a woman; and the union of bodies is the first (Suppl. B. Th., 41, 1), because the union of souls, and in a certain sense, of all things (Law 31, on the rite of marriage) is perpetual. Hence, it is said: "consortium omnis vitae" (Law 1, on the rite of marriage). Cf. D'Annibale, Book III, Tractate VIII, no. 289. Therefore, the formal essential object of the marriage contract is the mutual right to cohabit, with a relative obligation, exclusive and perpetual, and of itself ordained for the procreation and subsequent upbringing of children (Gasparri, i, no. 7, 8). It follows that the marriage contract is perfected when the parties agree to such a union. And this truly happens in the celebration of a civil marriage by law, which, after making a distinction from the dogmatic error to which it is subject, when civil authority usurps competence in the marriage of the baptized, and denies it to ecclesiastical authority, considers the man and woman to be united in the civil celebration of marriage, and retains them as such. Indeed, from the moment it is celebrated, the union of man and woman, maintaining an individual life together, is considered to be established, and from that moment, both spouses and children enjoy civil rights. Therefore, those who contract marriage before a civil magistrate, unless they manifest a different intention, comply with the law in the formal essential object of the marriage contract, or enter into marriage with marital consent, which, unless the law of Trent obstructs, is a true marriage even before the Church. Anthony Hospelt and Louise Bernhardt acted in this way in London, before a civil magistrate, on November 4, 1903, as the PP. AA. have noted. Indeed, from that time, they began conjugal life: "After our marriage, we went from London to Karlsruhe, where we lived together."

[*Latin ed. p. 929*]

S. Romana Rota. 929 « Until the summer of 1904, they resided on Kaiserstrasse. During this period, they engaged in « regular marital relations. Their honeymoon was considered to be the trip from London to Karlsruhe, where they established a permanent residence. In the first months, their life together was very good; they « used sexual relations. » This fact sufficiently demonstrates what their intention was in entering into this marriage: it presupposes that they truly consented to the formal object of the marriage contract. In reality, Hospelt-Bernhardt sent instructions from London that they would do what they had previously promised to each other. But they promised a true marriage, after having made betrothals: « Some time before the marriage, we became engaged, not only secretly, but also « publicly, and we announced our engagement to friends « and acquaintances through cards. This engagement took place « in March, and the marriage in November of the same year. » And Hospelt himself confesses: « We gave each other

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a mutual promise of marriage « after she had urged me to do so. I was then very in love « with Bernhardt, and this was the reason why I agreed to her « insistence. She asked me to get married. » And this is so true that the witness Euler was able to say that he had heard from his friend Anthony, « that « he wanted to marry Luisa Bernhardt », after completing his military service. The obligations, having been assumed through betrothal, were hastened by a relative of Ludovica: « After completing my military service, I went to Basle in order to « be together with Bernhardt; and at that time, a relative « of Bernhardt named Hohuaner, then a photographer in Strasbourg, came to « us and told us that it was time to go to London and get « married »; to which Anthony agreed, who, without delay, appointed a procurator with the authority to prepare everything necessary for the celebration of the marriage: « The preparations in London were made by a « mediator named Funk. This man received the sum of « 700 marks for his services, and he made it possible that when we arrived in « London on Sunday, November 2nd, the marriage « could be celebrated on November 4th. » Since betrothals are a mutual promise of future marriages (L. 1, de Spons.), and tend towards marriage, it follows that Anthony and Ludovica, by entering into betrothals, assumed a mutual obligation to enter into a true marriage; and since the civil act was celebrated on November 4th, 1903, in London, in order to fulfill this obligation, there is no doubt that a true marriage was intended by them. — Hence, the contract, initiated before a civil magistrate, has always been called a marriage, either before it was entered into, or after it had begun. « Bernhardt asked me to get married. We went to... »

[*Latin ed. p. 930*]

Acta Apostolicae Sedis. - Official Commentary. 930 « from London where we were to have a valid marriage. The marriage was celebrated in London ». Since the words are to be understood according to common understanding, the spouses themselves, using the word "marriage" without adding any further designation of a civil contract on November 4, 1903, thereby indicated that they were entering into a true marriage between themselves. This was, in truth, always their intention. « The idea (of marriage) came from my husband. He said to me one day: 'I love you so much that I cannot live without you. You are too good as a companion. I want to marry you.' » And Hospelt said: « My father had made inquiries about her through an agent. When she learned of this, she told me about the marriage so that I would protect her from these inquiries. I agreed. » It is not clear who was the author of the marriage proposal; but in this matter, both agree; for the marriage, proposed by one, was accepted by the other, or, which is the same thing, was pleasing to both. Moreover, they did not merely desire this, but also accomplished it: for they intended that the union, legally established in London, should be a lasting and

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firm bond of life, so that it could never be dissolved for any reason: « We were to belong to each other forever as husband and wife. On the day of the marriage, he said to me: 'Here, my wife, now we are united until death. Now nothing can ever separate us.' » Thus Ludovica confesses; but also the actor's mother confirms this. « My son never expressed to us his intention of marrying Luisa Bernhardt, but he did tell us that he would not leave her. » Furthermore, it is not valid to say that, after the marriage with Ludovica, Anthony Hospelt manifested his intention of marrying Maria Asbach, whom he had loved with great affection since his youth; and that he did this in order to cast doubt on whether the marriage celebrated in London was entered into with the intention that the union, resulting from it, should be a true and permanent one. For what was the reason for Anthony Hospelt's actions towards Maria Asbach, after the marriage with Ludovica, up to the separation, and especially whether he, at that time, showed his intention to marry the girl, is not sufficiently clear from the records. Moreover, Maria's testimony before a secular tribunal in the divorce case completely excludes the supposition of this treatise, before the divorce case was brought, for there are several letters from Anthony which show the contrary, namely that they demonstrate his complete fidelity to Ludovica: « I have assured you many times that I would never marry another woman, and that I would be faithful to you. » Furthermore, it is also known that Anthony's mother greatly desired her son's marriage to Maria Asbach, and that she sent her amorous letters so that she would not offend her, since it was in her interest that her father should not be deprived of his entire inheritance; this motivated intention excludes the cause of divorce.

[*Latin ed. p. 931*]

In Rome, 931 Bota stated: "He also declared to me that the second trial, like the first, 'was not to be taken seriously, but only in order to obtain from his mother, after the end of the trial, her entire fortune.'" Finally, the declarations made by Mariae Asbach to Antonius Hospelt of this place reveal a lightness and fickleness of spirit; and there are not few indications of this lightness and fickleness. Indeed, Antonius presented the cause of divorce before the civil tribunal, and declared to Ludovica: "That this trial 'was not to be taken seriously, but because he 'would have so much money from his parents, and that he 'would have a divorce trial.'" During the divorce trial, he gave Mariae amorous letters; but he also gave them to Ludovica, with whom he also committed immoral acts. During the course of the second divorce trial, not only did he write me a great number of most tender letters, in which he assured me repeatedly that he would never marry another woman, and that he would be faithful to me, but he also had sexual relations with me on several occasions. While Ludovica Bernhardt and Mariae Asbach were suspended in this state, he also conversed with

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other women. "He maintained an amorous relationship with Elena Mulier, a chambermaid of this place (Karlsruhe). It is proven that the plaintiff (Hospelt) in February 1905 visited a public house here in Spitalstrasse, and that not only did he remain in the "salone," but that he also went up with one of the girls of that place. His companion, the witness Appio Cassonello, supposed that he went with the girl to her room, and used there sexual relations." Given these circumstances, nothing is deduced from the letters sent to Mariae Asbach that would prove Antonius' intention to the contrary of the perpetuity of the marriage with Ludovica. Furthermore, it also appears that Antonius and Ludovica on November 4, 1903, in Karlsruhe, intended to enter into a true marriage, both civil and ecclesiastical, with the intention of contracting it according to the rites of the Catholic Church; which they would have truly contracted if Antonius' mother had not placed this impediment. Nevertheless, the plan was carried out before the civil authorities; and Antonius, in order to demonstrate the ineffectiveness of the impediment placed by his mother, informed his parents that the marriage had been celebrated: "The civil marriage took place in London on November 4, 1903. We did not want to have a church marriage performed by an Evangelical pastor of London. From London we went to Karlsruhe with the intention of also uniting ourselves ecclesiastically, and precisely according to the Catholic religion. The marriage planned already at St. Bernhard was made impossible by letters from my mother-in-law. My husband communicated from London to my parents that we had united ourselves in mar-

[*Latin ed. p. 932*]

932 Acta Apostolicae Sedis. - Official Commentary. "Marriage." It should be noted that marriage, performed before a minister of religion, with a civil contract previously entered into, "according to the Catholic religion," where the laws of Trent do not apply, is said to be celebrated in such a way that the spouses are obligated to receive the blessing of the priest, without a renewed consent (Gasparri, i7, 1526): "If the parties are capable according to the laws of the Church, and if, by means of the civil act performed "before the marriage," they intend a true marriage, the civil act is "a true marriage, not because the civil law has been observed, but because nothing is lacking according to the legislation of the Church that is necessary for the validity of the marriage. Therefore, the parties may lawfully use this marriage, and they are not obligated to declare it invalid, and the children are legitimate; they are, however, obligated to receive the blessing of the priest, without a renewed consent." In this sense, Hospelt and Bernhardt wished to have the marriage celebrated in London confirmed by a Catholic priest through the blessing; which, having been prevented by the mother's machinations, Anthony boasted of having entered into the marriage, despite these obstacles. Therefore,

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it is not surprising that they declared openly that they had entered into a true marriage in London. To the questioning judge: "What importance did Ludovica herself give to the civil marriage? Was this, according to her intention, to be the basis for a true marital life? And by means of which, were they, as husband and wife, to belong to each other permanently? Or was it to be only an external act without further content?" Ludovica replied: "I naturally considered it as a true marriage, by means of which we were to belong to each other forever as husband and wife." And further: "What importance did Anthony Hospelt give to the civil act? Did Ludovica then believe that he had the intention of uniting with her in a marital life? Does she still believe today that he had at that time the intention of taking her as his wife, and that this was the purpose of the marriage in London?" She replied: "To these two last questions, I answer with a decisive yes. At the same time, I am convinced that Anthony Hospelt gave the same importance to the civil act as I did. On the day of the marriage, he said to me: 'Here, my wife, now we are united until death. Now nothing can separate us.'" Ludovica's words should not be considered with hatred; for she testified this in court, which Anthony Hospelt did not dare to deny, but rather confirmed, saying: "Bernhardt considered herself (based on the marriage performed in London) to be my true wife, and I considered myself to be her true and legal husband." What more could be desired than the confession of both spouses? The principal effect of the judicial confession is that it fully proves, since there is no greater proof than one's own words.

[*Latin ed. p. 933*]

933 In the city of Rome, a confession was made, but it also served to ensure that the confessor was, in a certain sense, judged, so that such a confession would have the force of a sentence and, in some way, would be considered a matter that had been decided (Piringh, L. II, TU. 18 § 3). Therefore, it is beyond doubt that Anthony Hospelt and Louise Bernhardt intended to enter into a true marriage before the civil authorities in London, and that they indeed did so. It should not be said that Anthony held the belief that a true marriage could only be validly contracted before a minister of religion, and therefore he only performed a civil ceremony. For our false opinion does not change the nature of the thing: and since a civil marriage, in all its elements, presented everything necessary for a true marriage to exist, Anthony's opinion, whatever it may have been, did not change the nature of this marriage, but the marriage remained a true marriage. Even a Catholic believes that profane marriages are not admitted by the Church; nevertheless, by entering into a civil marriage in a place where the Council of Trent does not hold sway, one can express matrimonial consent, and this belief does not prevent a true marriage from being celebrated. Thus, Anthony held a false opinion regarding the validity of a civil marriage;

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but since the consent was given with the intention of entering into a true marriage, his opinion did not invalidate the marriage. Indeed, although it is a general opinion in Germany that mixed marriages are only valid when celebrated before a minister of one's own religion, nevertheless, in the case before us, the marriage, having been entered into before civil authorities, was declared to be valid by the Sacred Congregation of the Office, exercising its jurisdiction, despite the erroneous and different opinion of the people. It is also irrelevant that neither party (Hospelt and Bernhardt) ever discussed the possibility of an ecclesiastical marriage until after the civil marriage had been entered into, and that Hospelt did not consider the marriage to be a true marriage. For here, we are not concerned with what they should or could have done, nor with what judgment they later held regarding the civil act, but with what, in fact, they did. It is established that a marriage contract was entered into, which subsequent erroneous judgment did not in any way change. Therefore, the marriage in question was also a sacrament. For among Christians, a marriage contract cannot be separated from the sacrament, which is a matter of certain law and is closely related to faith (Pius IX, Syllabus 66, 67, 73); therefore, it is also a matter of certain law and closely related to faith that a marriage contract and a sacrament cannot exist without each other. And since, in our case, a marriage contract existed, the sacrament also existed, even if the spouses did not even think about it. Finally, someone might object that everything stated above is based on the testimony of Louise Bernhardt, a woman of questionable reputation, who also...

[*Latin ed. p. 934*]

Acts of the Apostolic See. - Official Commentary. 934. Civil law may attempt to intervene, but faith must not be given, just as faith was not given to Anthony Hospelt for the same reasons. However, the reason for the distinction must be observed. Anthony is not rejected from testifying simply because he is corrupted by bad morals and is a public sinner, but also because a spouse who testifies against his own marriage is considered suspect, especially if he accuses the marriage at a time when suspicion exists, as happened in this case. (Austrian Instruction, nos. 168-169, Rota Decree 264, no. 44, p. 5, Vol. I, recent). This is not the case with Ludovica, who did not testify against the marriage, and who does not appear suspect in this regard. But furthermore, although she is an unchaste woman, and should be rebuked by public sinners because she lives in concubinage, the witnesses who testified in the process, namely Anthony's mother and Advocate Wirtz, testify nothing against her that would impugn her natural integrity. Finally, what Ludovica Bernhardt testified in court cannot be accused of falsehood; for she confirmed everything that Anthony Hospelt stated without any doubt. Therefore, there is no reason why faith should not be given to her. Therefore, the Most Reverend Fathers certainly considered, in the case in

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question, that the marriage was a true marriage entered into according to the provisions of the ancient Decretals, which, although illicit, remains valid. Having considered all of these things, invoking the name of Christ, We, the undersigned Auditors, sitting for the Tribunal, and having only God before our eyes, decide, declare, and definitively sentence that the marriage in question was not overturned, and in response to the proposed doubt, we answer: No; we therefore reject the appeal, and declare it to be rejected, and we also condemn Anthony Hospelt to pay the judicial expenses, the taxation of which We reserve to Ourselves. Thus we pronounce, ordering the Ordinary of the place and the officials of the Tribunal to whom it pertains to order the execution of this Our definitive sentence, and to proceed against those who resist, according to the norms of the sacred canons, and especially chapter 3, session 25, of the Council of Trent; using the executive and coercive means that will be more effective and appropriate for the circumstances. Rome, in the seat of the Tribunal of the Most Holy Roman Rota, on the 27th of August, 1910. Gustavus Persiani, President. L. Eg S. Sac. Tancredes Tani, Notary. William Sebastianelli. Joseph Alberti.

[*Latin ed. p. 935*]

Secretariat of State. 935. CONCERNING COLONIES AND MONASTERIES. SUSPENSION FROM DIVINE OFFICE AND JURISDICTION. Contrary to the judgment issued by the Sacred Roman Rota on May 23, 1910, and published, as is customary, in the Official Commentary, No. 19 of the current year, page 747 and following, the Promoter of Justice of this Sacred Tribunal has filed an appeal in due time. Rome, November 9, 1910. Rev. Fr. Francis Heiner, Secretary. To Rev. Fr. Henry Delassus, concerning the work "The Anti-Christian Conspiracy," presented to the Most Blessed Father. Monsignor, The Holy Father, Pope Pius X, has received the work entitled "The Anti-Christian Conspiracy," which you have kindly requested me to present to Him in your name. His Holiness cordially congratulates you on successfully completing this important and insightful work, following a long series of studies that also honor your zeal and your ardent desire to serve the cause of God and the Holy Church. The guiding principles of your excellent work are those that have inspired the great Catholic historians: the action of God in the events of this world, the fact of Revelation, the establishment of the supernatural order, and the resistance that the spirit of evil opposes to the work of Redemption. You demonstrate the abyss to which the antagonism between Christian civilization and the so-called civilization leads, which regresses towards paganism. How right you are to establish that social renewal can only be achieved through the proclamation of the rights of God and of the Church!

[*Latin ed. p. 936*]

Acts of the Apostolic See. - Official Commentary. 936 Expressing his

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gratitude, the Holy Father makes wishes that you may, with always vigorous health, fully realize the comprehensive plan that you have set for yourself, and as a pledge of his particular benevolence, He sends you the Apostolic Blessing. With my personal thanks and congratulations, please accept, Monsignor, the assurance of my devoted sentiments, in the Lord. Rome, October 22, 1910. R. L.)$(S. CARD. a MERRY DEL V A L, Secretary of State. DIARY OF THE ROMAN CURIA. SACRED CONGREGATION OF RITES. PREPARATORY CONGREGATION. 1 On the 15th day of the current month of November, at the Most Reverend and Illustrious Cardinal Girolamo Gotti, Promoter of the Cause, the Preparatory Congregation of the Sacred Rites took place, to discuss the doubt concerning the miracles of the Venerable Servant of God, Giuseppe Anchieta, professed priest of the Society of Jesus. 2 On the 29th day of the current month of November, in the Apostolic Palace of the Vatican, in the august presence of the Holy Father, the General Congregation of the Sacred Rites was held, in which the Most Reverend and Illustrious Cardinals, the Reverend Prelates Officials, and the Theological Consultors, who comprise the same, will discuss and give their vote on the doubt concerning the heroic degree of virtues in the Cause of Beatification and Canonization of the Venerable Sister Maria of the Incarnation, Foundress of the Monastery of the Ursulines in the city of Quebec.

[*Latin ed. p. 937*]

Diary of the Roman Curia. 937. SACRED PENITENTIARY. NOTICE OF COMPETITION. It is hereby notified that in the Sacred Tribunal of the Apostolic Penitentiary, a competition will be held for a position of Official, through oral and written examination. The oral examination will be held on December 13th of the coming year at 9 o'clock, and the written examination on the 15th of the same month at 8 o'clock. Those who wish to participate must, within one month from the date of this notice, present to the Secretariat of said Sacred Tribunal an application accompanied by the necessary qualifications for admission. Rome, November 10, 1910. O. Giorgi, Regent. SECRETARY OF STATE. APPOINTMENTS. His Holiness, through a communication from the Secretariat of State, has deigned to appoint: November 20, 1910. — The Most Reverend Cardinal Pietro Gasparri, Protector of the Pious Union of Saints Benedict and Scholastica of Norcia. November 10, 1910. — The Reverend Father Giuseppe Brunelli, of the Minor Friars of the Leonine Union, Consultant of the Sacred Congregation for Religious. November 12, 1910. — The Reverend Father Placido Lemos, of the Minor Friars of the Leonine Union, Consultant of the Sacred Congregation of Propaganda Fide, for matters pertaining to the Oriental Rite. November 16, 1910. — The Reverend Father Giovanni Battista Frey, of the Congregation of the Holy Spirit, Consultant of the Pontifical Commission for Biblical Studies. November 25, 1910. — The Reverend Father Enrico Buonpensiere,

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of the Order of Preachers, Consultant of the Sacred Congregation of the Index.

[*Latin ed. p. 938*]

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THE HOLY FATHER'S HOUSEHOLD

By order of His Holiness, communicated through the Most Reverend Monsignor, the Maggiordomo, the following appointments have been made:

Secret Chamberlains, honorary:

October 23, 1910. — Monsignor Giuseppe Corno, of the archdiocese of Turin.

— Monsignor Agostino Berteu, of the same archdiocese.

— Monsignor Antonio Martino, of the diocese of Sebenico.

— Monsignor Giambattista Sisgorco, of the same diocese.

— Monsignor Parmenio Angelini, of the diocese of Fossombrone.

Chamberlains of honor, wearing purple robes:

October 23, 1910. — Monsignor Vincenzo Karadjole, of the diocese of Sebenico.

— Monsignor Giovanni Miric, of the same diocese.

— Monsignor Carlo Straniak, of the archdiocese of Vienna.

— Monsignor Cirillo Zucchetti, of the diocese of Cremona.

— Monsignor Gelasio Marinelli, of the diocese of Fossombrone.

Chamberlain of honor, with sword and mantle, honorary:

October 24, 1910. — Mr. Gaetano de Bouvier Azula.

NECROLOGY

November 13, 1910. — Monsignor Ferdinando Maria Cieri, Bishop of S. Agata de' Goti.

November 21, 1910. — Monsignor Giovanni de Montel, Dean Emeritus of the Holy Roman Rota.

November 24, 1910. — The Most Reverend Cardinal Alessandro Sanminiatelli, of the Titulus of the SS. Marcellinus and Peter.

November 1910. — Monsignor Pasquale Buconjic, of the Order of Friars Minor, Bishop of Mostar.

[*Latin ed. p. 939*]

Year II. - Volume II. December 19, 1910. No. 23. ACTA APOTOLICAE SEDIS. OFFICIAL COMMENTARY. ACTS OF POPE PIUS X. MOTU-PROPRIO CONCERNING THE USE OF NEW FORMULAS IN CERTAIN BULLS IN THE APOSTOLIC CHANCERY. By order of the Roman Curia,

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through the decree of the Constitution *Sapienti Consilio*, considering Our Apostolic Chancery, We have entrusted the task to a group of three Cardinals, namely the Cardinal Prefect of the Chancery, the Cardinal Prefect of the Datary, and the Cardinal Secretary of the Consistorial Congregation, namely, to reform, first, the "formulas of Bulls concerning the collation of benefices, or consistorial acts, or others"; secondly, the "formulas of Bulls concerning the constitution of dioceses and chapters"; and finally, the "Regulations, which the Chancery calls 'Ordo Servandus'" (*Ordo servandus*, part II, chapter 9, article I). The aforementioned Cardinals, to whom this task was entrusted, after mature deliberation and with the advice of several chosen men, fulfilled their office and devised new formulas, by which the Apostolic Chancery must use in preparing Bulls, that is, apostolic letters sealed with lead concerning consistorial benefices or other acts, and they submitted these formulas to Us, as was fitting, for Our approval and confirmation. Since We have carefully examined these formulas for the Bulls, as they are contained in the printed volume, and We have recognized that they fully correspond to Our will, We entirely approve and confirm them, and We decree and declare this by Our Motu Proprio, ordering that, from the first day of the month of January of the year 1911 and thereafter, these new formulas shall replace the old formulas for Bulls, and that only these new formulas shall be used by all.

[*Latin ed. p. 940*]

Acta Apostolicae Sedis. - Official Commentary. 940, to whom they pertain, they shall be received and observed inviolably, notwithstanding any obstacles, even those deserving of special mention or derogation. Given in Rome, at Saint Peter's, on the sacred day of the Nativity of the Blessed Virgin Mary, in the year 1910, in the eighth year of Our Pontificate. PIUS PP. X. APOSTOLIC LETTER. I. TRANSFER TO THE SUNDAY IMMEDIATELY PRECEDING THE TWENTY-EIGHTH DAY OF OCTOBER, OF THE FEAST OF THE PATRONS FOR THE PARISH OF SEIFERSDORF, DIOCESE OF LEITMERICZ. PIUS PP. X. For the perpetual memory of the matter. — The Roman Pontiffs, being the supreme rulers of ecclesiastical discipline, have often, when weighty reasons seemed to warrant it, been accustomed to change established days, transferring the feasts of the celestial Patrons to other times, so that they might better serve the convenience and spiritual benefit of the Christian people. Guided by this principle, since the present parish priest of Seifersdorf, within the Diocese of Leitmericz, has petitioned us to deign to transfer the feast of the Patrons, Simon and Jude, which is celebrated in the church on the twenty-eighth day of October for the aforementioned parish, to the Sunday immediately preceding; We, having considered the most earnest recommendation of the Most Reverend Bishop of Leitmericz, and having

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carefully considered the particular circumstances and the importance of the matter, with Our Venerable Brothers, Our Cardinals of the Holy Roman Church, to whom the Congregation responsible for the interpretation of the Council of Trent is entrusted, we have judged that we ought to grant these requests as far as is possible in the Lord. Therefore, by Our own motion and with certain knowledge and mature deliberation, We, by Our Apostolic authority, in the presence of all, and for all time, decree and command that, in the future, the aforementioned parish of Seifersdorf, within the Diocese of Leitmericz, shall observe the feast, with all the observances and customs prescribed by the rites of the Church for the commemoration of the celestial Patrons, on the Sunday immediately preceding the twenty-eighth day of October.

[*Latin ed. p. 941*]

941. The Acts of Pope Pius X prescribe that the feast of the holy patrons, the Apostles Simon and Jude, be duly celebrated each year on the Sunday immediately preceding the twenty-eighth day of the month of October. We entrust the execution of these decrees to the judgment and conscience of the current Bishop of the diocese of Leitmeritz, and to his successors in the pastoral office; we declare that these decrees shall always remain firm, valid, and efficacious, and shall fully and completely produce their intended effects, and shall fully assist those to whom they apply, now and in the future, in all things; and that, accordingly, these matters shall be judged and decided by any ordinary or delegated judge, and shall be declared void and null if, in any way, anything should happen concerning these matters, whether knowingly or unknowingly, that is contrary to them, by any authority whatsoever. Notwithstanding any Apostolic Constitutions and Ordinances, and any other contrary provisions whatsoever. Given at Rome, near St. Peter's, under the Fisherman's Ring, on the thirteenth day of October, in the year 1909, in the seventh year of Our Pontificate. R. L. f$ S. CARD. MERRY DEL VAL, Secretary of State.

II. ERECTION OF THE NEW APOSTOLIC VICARIATE OF KIENTCHANG IN CHINA.

PIUS PP. X. For the perpetual memory of the matter. — From this most exalted Chair of St. Peter, the Prince of the Apostles, which We hold as from a lofty vantage point, We turn the eyes of Our mind to all parts of the Catholic world, however far separated by land and sea, and, using Our supreme authority, We strive to promote those things that may better serve the cause of the Sacred Cause, and that may benefit the spiritual welfare of the Christian people. Indeed, when the Ordinary of the fourth Chinese region, whose diligent efforts cause the holy light of the Gospel to shine more and more brightly each day among the peoples of that Empire, in

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the third Synod of Se-chuen, which they held in the city of Tchong-King last November, judged the erection of a new vicariate, through a division from the existing vicariate of Southern Se-chuen, to be opportune, We, after carefully considering all aspects of the matter with Our Venerable Brothers, the Cardinals entrusted with the affairs of the Propagation of the Faith, considered it fitting to favorably receive the request of these Synod Fathers. Wherefore, with Our own initiative, with certainty and mature deliberation, and with the full power of Our Apostolic authority, We decree and establish the vast and distant region...

[*Latin ed. p. 942*]

942. Acta Apostolicae Sedis. - Official Commentary. We separate the Southern Vicariate of Sutchuen, which the Chinese call "Kientchang," from the aforementioned Vicariate, and we establish it as a separate Apostolic Vicariate, entrusting its care to the most deserving students of the Seminary of Paris for missions to foreign lands. We give this new Vicariate the name Kientchang, and we decree that, according to the geographical chart transmitted to the City, it shall encompass the entire region that is subject to the civil Prefecture of Nin-yuen-fou. We declare these present letters to be firm, valid, and efficacious forever, and to have their full and complete effect, and to fully suffice for all and through all those to whom they pertain, and for all time, so that in all things and through all things, they ought to be judged and defined by any ordinary or delegated judges, and to be declared void and null if anyone, through any authority, knowingly or unknowingly, should attempt to alter them. Notwithstanding Our own and the regulations of the Apostolic Chancery concerning matters of law, and all other Constitutions and Apostolic Ordinances, and all other contrary things whatsoever. Given at Rome, at St. Peter's, under the Fisherman's Ring, on the twelfth day of August, in the year 1910, in the eighth year of Our Pontificate. R. L. £B S. CARD. a MERRY DEL VAL, Secretary of State.

III. THE APOSTOLIC VICARIATE OF GIBRALTAR IS ERECTED AS AN IMMEDIATE DIOCESE. PIUS PP. X. For the sake of future remembrance. — Those things which appear to us, seated in this Sublime Chair of the Prince of the Apostles, to be conducive to the better provision for the spiritual good of the faithful, We, with a willing heart, readily grant for the sake of the matter and the time. Now, since it has been judged opportune to erect the Apostolic Vicariate of Gibraltar as a diocese, in order to better promote the increase and propagation of the Christian name, We, having diligently considered all the circumstances with Our Venerable Brothers, Our Cardinals, Prefects of the Congregation for the Propagation of the Faith, have deemed it fitting to accede to such desires. Wherefore, by Our own motion, from certain knowledge and mature deliberation, We erect and establish the Apostolic Vicariate of Gibraltar as a diocese of the same name, immediately subject to this Holy See, entrusting its care to the

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students of the Benedictine Congregation of Cassinensis from its earliest observance.

[*Latin ed. p. 943*]

The Acts of Pope Pius X, number 943, are hereby committed to us. Notwithstanding Our regulations and those of the Apostolic Chancery concerning matters of law, which do not permit annulment, nor any other Apostolic Constitutions to the contrary, We decree that these present letters shall always exist and be valid and effective, and shall have their full and complete effect, and shall fully apply to those to whom they pertain, now and in the future, in all things and through all things, and that in the aforementioned matters, they must be judged and decided by any ordinary or delegated judge, and shall be null and void if anyone, by any authority, knowingly or unknowingly, should attempt to interfere with them. Given in Rome, at St. Peter's, under the Fisherman's ring, on the nineteenth day of the month of November, in the year 1910, in the eighth year of Our pontificate. R. L. S. CARD. MERRY DEL VAL, Secretary of State.

LETTER TO R. P. D. THOMAS FENNELLY, ADMINISTRATOR OF THE CASELIENSIS, AND TO OTHER ARCHBISHOPS AND BISHOPS OF IRELAND, PRESENTED OUT OF VENERATION AND PIETY, AS A COMFORT.

Most Reverend Brothers, greetings and the apostolic blessing.

With all due praise, you, Most Reverend Brothers, whom a vast expanse of land and sea separates from Us, and who, along with your clergy and people, have recently, here in Rome, with one mind and one voice, expressed to Us the most serious grievances concerning the Catholic name, and have lamented Our situation. Furthermore, the hatred of those who have long sought to destroy the Church appears to have increased; and we perceive the impetus of a more violent war approaching. But trusting in God, whose cause we uphold, we fear nothing for the Church, which divine power protects from the power of hell.

Indeed, it greatly distresses Us that so many souls, redeemed by the precious Blood of Christ, are miserably perishing outside the embrace of the Church, Our Mother, forever. And in this, We are all the more grieved, and therefore, We urge and implore you, Brothers, to be vigilant, to teach, to warn, so that all may be devoted to the Catholic faith and discipline.

[*Latin ed. p. 944*]

Acts of the Apostolic See. - Official Commentary. May integrity be preserved within your ranks, and may you always maintain close devotion to the Apostolic See, thereby fostering greater prosperity. May the gifts of divine grace be with you, that you, Venerable Brothers, and all those under your watchful care, may receive, with heartfelt gratitude, the Apostolic

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Blessing, which We, with fervent prayer, implore from God. Given in Rome, at St. Peter's, on this day, the first of November, in the year 1910, in the eighth year of Our Pontificate. PIUS PP. X. APPOINTMENTS OF BISHOPS. His Holiness, Pope Pius X, by decree of the Sacred Congregation Consistorial, has appointed: October 3, 1910. — The Reverend Father Joachim Anthony d'Almeida, Bishop of Piaui, as Bishop of the cathedral church of Natal in Brazil. November 8, 1910. — The Reverend Father John Bede Cardinal, titular Archbishop of the church of Laodicea, as Archbishop of the archdiocese of Perugia. — The Reverend Father Barnabas Piedrabuena, titular Bishop of the church of Chester, as Bishop of the cathedral church of Catamarca. November 17, 1910. — The Reverend Father Hermann Zschokke, Apostolic Protonotary, canon of the church of Vienna, as titular Bishop of the metropolitan church of Caesarea Philippi, and as Auxiliary to the Most Reverend and Illustrious Cardinal Archbishop of Vienna. November 24, 1910. — The Reverend Father Angel Bartolomari, priest of the archdiocese of Turin, as titular Bishop of the episcopal church of Derbe; and He has also appointed him as Auxiliary to the Most Reverend and Illustrious Cardinal Archbishop of Turin. — The Reverend Father John Ward, priest of the diocese of Leavenworth, and there, rector of the church of St. Mary in Kansas City, as Bishop of the cathedral church of Leavenworth.

[*Latin ed. p. 945*]

945. Sacred Congregation of the Council. — The Reverend Father William Timothy Cotter, titular Bishop of Clazomenae, is appointed Bishop of the cathedral church of Portsmuthensis. November 26, 1910. — The Reverend Father Emmanuel Anthony Oliveira Lopes, titular Bishop of Tabas and Coadjutor with right of succession to the Bishop of Fortaleza, is appointed Bishop of the cathedral church of Alagoas in the Brazilian Republic. — The Reverend Father Robert Calai-Marioni, of the diocese of Nuceria, is appointed Apostolic Protonotary of the rank of those participating, and is assigned as a Vicarious Forane in the place commonly called Gualdo Tadino, to the titular see of Hesbon. December 6, 1910. — The Reverend Father Augustine Zampini, of the Order of Saint Augustine, Provincial of the Order in Etruria and a master in his Order, is appointed titular Bishop of Porphyreonensis. December 9, 1910. — The Reverend Father Emydius Trenta, priest of the diocese of Asculanae in Piceno, canon of the cathedral church, Episcopal Chancellor, professor in the seminary, and doctor in Canon Law, is appointed Bishop of the cathedral church of Larinensis. — The Reverend Father Urban Mary Fiodo, of the archdiocese of Neaples, residing in Rome since the year 1879, already General and Capitular Vicar of the City of Plebs, and Apostolic Administrator of the dioceses of Cornetana and Centumcellarum, the Antistite Urban, doctor in Canon Law, is appointed Bishop of the cathedral church of Bovino. — The Reverend Father Edward Dionysius Kelly, priest of the diocese

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of Detroitensis, parish priest of the city commonly called Ann Arbor, is appointed titular Bishop of the see of Cestrensis and Auxiliary Bishop to the Bishop of Detroit.

ERRECTION OF DIOCESES. His Holiness Pope Pius X, by decree of this Sacred Congregation on December 5, 1910, erected a new diocese of Floresta in Brazil, dividing the diocese of Olinda into two parts, and assigning to the new diocese of Floresta the western part to the west of the river Maxató, which part includes Selgueiro, and the parishes of: Boa Vista, S. José de Egypto, Baixo, and Ouricury, Belem, Triumpho, Petrolina, Floresta, Flores, Afogados do Granito, Villa Leopoldina, Belha, Belmonte, Ingazeira, and Alagoa do Tacaratú. By the same decree, the diocese of Exu was raised to the rank of Metropolitan, along with the ancient cathedral church of Olinda, and the suffragan churches of the new dioceses of Floresta, Natal, Parahiba, and Fortaleza were assigned to it.

[*Latin ed. p. 946*]

Acta Apostolicae Sedis. - Official Commentary. 946 CHANGE OF DIOCESE TITLE. The Most Holy Pope Pius X, by decree of this Sacred Congregation of the 15th of November, 1910, in order to avoid any future ambiguities, changed the name of the diocese of Alexandrina in America to Alexandrina-Ontario. Furthermore, the same Most Holy Pope ordered that apostolic letters be issued under the seal for the proper execution of this matter. I. PISCIEN. JURIUM. May 14, 1910. FACTS OF THE CASE. — The parish priest of the church of Saint Mark the Evangelist, or Saint Peter the Apostle, of the Plebs of Nebulae (Pieve a Nievole), is in dispute with the parish priest of the church of Saint Peter the Apostle of Monte Catino (Montecatini), and, presenting various arguments, requests that this Sacred Congregation grant his church the right of matriculation and patronage over the aforementioned church, as well as its entire property, with the obligation, of course, to provide the necessary support for the maintenance of the aforementioned church. The aforementioned neighboring parish churches were, in fact, formerly part of a single parish. From historical documents presented by both parties, it is established that the parish of Saint Peter of Nebulae has existed since very ancient times, from which, after almost ten centuries, the church of Monte Catino arose, which, as a filial church, was subject to it. Over time (14th century), due to compelling reasons, a large number of people moved to Monte Catino, and thus the parish gradually moved there as well. In the records of the Pastoral Visitation carried out by Bishop Berengario in 1354, it is written: "Of this plebs, the parish priest is D. Ubaldus of Monte Catino, who, due to the wars in that plebs, cannot personally reside there, but there is in his place the presbyter Bindus of

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Monte Catino, who is also a canon." More clearly, in the Visitation...

[*Latin ed. p. 947*]

The Holy Congregation of Councils, in the year 1575, states: "Formerly, the pastoral care of the sacraments was exercised by a 'rector' in the Church of Saint Peter near Nebulae, which is located about one Roman mile from the town of Montis Catilinae, but subsequently, it was transferred to the town of Montis Catilinae, where there was a larger population."

It is also reported that Alexander Bicchierai, in his book entitled "Trattato dei Bagni di Montecatini," on page 51, wrote: "But a mistake in public administration made by the government of Florence in the year 1430 brought about the misfortune of this province (Valdinievole), because it was decided to provide the capital with an abundant supply of fish by turning this vast plain into a lake, through a strong damming of the waters at the place called Cappiano. This project was carried out five years later, and as a result of the raising of the waters, the entire low-lying countryside was flooded, the course of all the streams was altered, and the ground of the plain became uneven; which, in years of drought, quickly transformed this beautiful land into a pestilent marsh."

And further on, on page 126: "The disasters of Valdinievole lasted until the peace that was concluded in 1433. This, in addition to being of short duration, was immediately followed by fatal epidemics that afflicted the population."

Therefore, the church of Monte Catino took the title of Saint Peter, and the mother church was already considered the parish church of Nebulae, to which the title of Saint Mark the Evangelist was added, and its curate became removable at the will of the parish priest of Monte Catino.

Already in the Visitation of 1466, at the bottom, it is written: "Acted in the canonical residence of the parish of Montis Catini in its 'castello' of the same name."

And in the Catalog of the Clergy of the diocese for the Synod of 1694, it is read: "The curacy which is not assigned a title, or the branch of the curacy of the parish of Montis Catini, is Saint Mark of Nebulae. The curate is removable at the will of the Lord Parish Priest."

And elsewhere, in the year 1643: "The parish of Nievole, under the title of Saint Mark the Evangelist, in which some sacraments are administered solely by the concession of the parish priest of Monte Catini, to that priest whom he designates for that church, so that there may be more convenience for the people of the plain..."

In the year 1782, Francis Vincenti, the Bishop of Pescia, wishing to better serve the church and the people of the parish of Nebulae through this new division, declared it and granted it its respective rights, although the right of the mother church remained intact. The complete document of the

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division states: "Francis Vincenti, entrusted with the Apostolic See and the parish of Montis Catini, reserved for the Apostolic See and for the parish priest of Montis Catini. By the Grace of God, the Bishop of Pescia, immediately subject to the same Holy See. - The solicitude for the churches, which the reason of our Episcopal office imposes upon us, urges us to..."

[*Latin ed. p. 948*]

948 Acta Apostolicae Sedis. - Official Commentary. "In order that the majesty of the holy religion and the truth may be confirmed in the hearts of all, let us take care to provide suitable means. The parish of Saint Mark the Evangelist, or of Saint Peter the Apostle, of our Diocese of Nebulae (which formerly was a rectory and parish, and in past years, that care of souls was exercised there, and then transferred to the town of Monte Catino, where the majority of the people resided) for a long period of years, and until now, has been governed by a removable priest, approved and confirmed by our predecessors in ordinary authority, who was chosen by the Rector of Saint Peter the Apostle of Monte Catino, but was not assigned a suitable and adequate provision for his support, since it consisted only of twenty-four measures of grain, which were provided by the aforementioned Rector, and in alms collected by the parishioners, which were gathered by him from time to time. - Therefore, wishing to promote the spiritual well-being of this church and people, and to ensure the honest support of the pastor, so that no further controversy may arise in the future, we proceed as follows, as we know to be salutary in the Lord, considering the circumstances of the time and place. And we believe that it is all the more pleasing and fitting to carry out this measure, inasmuch as the most profound piety, and the ardent love and concern for the common good, of His Royal Highness Peter Leopold I, Great Duke, are evident in the decree of December 20, 1781, which was kindly communicated to us through the Illustrious and Renowned Senator Stephen Bertolini, Auditor of the Royal Jurisdiction in the city of Florence, along with his letter of January 4th of the preceding year. The zeal of so great a Prince for the good of the Church and the people of the Diocese of Nebulae is worthy of all our admiration. Therefore, invoking the Holy Name of Our Lord Jesus Christ for this purpose, and imploring the prayers of the Blessed Virgin Mary, His Mother, as well as of Saint Mark the Evangelist and Saint Dorothy, the Principal Patrons of this our city and Diocese of Pescia, and with the powerful help of other saints, by these presents and in every other suitable way, and in the form that We, by right and especially by the decrees of the Holy Council of Trent, have prescribed and declared, We decree and declare that the entire spiritual administration, or care of souls, of the parish church of Saint Mark the Evangelist of Nebulae, is to be restored and brought to a better form. Therefore, We create one priest, or pastor, in that parish, who shall henceforth be immovable and perpetual, fully and absolutely subject to Us and Our

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successors, and to whom the entire administration of the parish church and people shall be entrusted, with the faculty of administering the Sacraments of Baptism, Penance, the Eucharist, and Extreme Unction to the sick, as well as of uniting his parishioners in the Sacrament of Matrimony.

[*Latin ed. p. 949*]

The Holy Congregation of the Council. 949: "While preserving those things which ought to be observed according to law, We grant freely the uniting of [the parish] and the exercise of all other parochial functions, and We grant to [the parish] all rights and privileges which, according to law, belong to other parishes, and We decree that it ought to enjoy them. Therefore, the main altar of the aforementioned church is to be granted henceforth as a title to only one parish priest perpetually, whom, however, We and Our successors in the episcopate shall approve, institute, and confirm, and to whom, with due regard for Episcopal rights, We order that bulls or letters be issued in the usual and customary form, with the faculty for the parish priest himself, with Our prior approval and that of Our successors, to choose one or more priests, as the spiritual needs of the people require, who shall perform their duties in the parochial office, and who shall be considered as chaplains, and shall be named, reserving, however, to the aforementioned Prelate and Prelate the right of matriculation over the aforementioned church of the people of Nebulae, so that it may be entirely permissible for him to celebrate the customary feasts and perform the functions that are customarily celebrated and performed there, as has hitherto been the custom.

Furthermore, the sum of ninety florins is to be given to the aforementioned church and to the parish priest for the time being, to be paid in the manner described below. Specifically, eighty florins shall be paid annually and freely to the aforementioned parish priest from the revenues of the Venerable Work of Saint Margaret, which is subject to the administration and jurisdiction of the laity, in accordance with the meaning of the Holy Roman Church in its benevolent rescript of May 5, 1780, and ten florins for the full contribution from the aforementioned Venerable Work, according to the form of another benevolent rescript of the Holy Roman Church of December 30, 1781 (provided that the revenues of the aforementioned Work are sufficient to pay the aforementioned ten florins to the parish priest of Nebulae), otherwise they shall be given to the aforementioned Prelate of Monticati to the aforementioned parish priest. Furthermore, the fruits, revenues, and proceeds from certain plots of land used as a garden, located near the canonical house of the church of Saint Mark, to the extent of approximately one quarter, are to be transferred from the aforementioned Prelate to the same parish priest, and We wish that all other allowances and certain parochial benefits granted and permitted by the Holy Canons pertain to and are applicable to the same.

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And just as the aforementioned parish priest of Nebulae has been assigned, as mentioned above, a parochial contribution for his honest sustenance, so too We exempt and release the aforementioned Prelate of Monticati from the annual payment of twenty-four florins, which were paid annually by the same Prelate to the same parish priest, for a more fitting honorarium to the chaplains of the Prelature of the church of Monticati, considering all the inconveniences that arise for the people.

[*Latin ed. p. 950*]

Acta Apostolicae Sedis. - Official Commentary. 950 « due to its multitude. Furthermore, we strictly forbid the Parish Priest of the Church of Nebulae from continuing the custom of collecting alms from his parishioners as he had previously done.

Moreover, because the number of parishioners of the aforementioned Church of Saint Mark the Evangelist is increasing, and considering the distance and the size of the aforementioned church, which makes it impossible for the parishioners to bring their children for Baptism to the Mother Church of Monti Catini without great difficulty and evident danger to their lives, especially during the winter months, when floods destroy roads and make travel difficult, having considered and examined all and each of the points presented to us in the petition of the aforementioned parishioners, and having verified them through information obtained, we grant and decree, with this present decree, the installation of a baptismal font in the aforementioned parish church of Saint Mark the Evangelist, and we order that it be done, so that in the future, newborn infants, adults, and others may be baptized there, and be reborn in it.

In order that the aforementioned Parish Priest may have a suitable and adequate dwelling, as he has had until now, we order that the present canonical residence be renovated in good condition, as is fitting, at the expense of the aforementioned Prelate, and we command that two rooms, adjacent to the aforementioned canonical residence, be united and incorporated into the direct property of the Venerable Society of the Most Holy Rosary, subject to Us, and that the canonical residence be thus newly renovated, and that the aforementioned Parish Priest shall be obliged to cede one room of the newly renovated residence to the Prelate for his use during the sacred season of Lent, so that he may not have the opportunity to beg for lodging.

Furthermore, since it is deemed advisable to adequately provide for the fabric of the aforementioned parish church, we decree that the maintenance of the material fabric of the aforementioned church, the oil for lighting the lamps burning before the Blessed Sacrament, the vestments, and the sacred furnishings (which burden shall be reduced to a fixed annual sum, except in cases of extraordinary and fortuitous expenses) shall pertain to and be the responsibility of the Venerable Society of the Most Holy Sacrament, and

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that in the event that the aforementioned Society is unable to fulfill this burden, the Prelate of Monti Catini shall annually pay to the aforementioned Parish Priest ten scudi for this purpose, or shall be obliged to provide the same, which the aforementioned Society is unable to provide in fact.

If the aforementioned Prelate is compelled to assume the entire or a portion of the aforementioned annual burdens, and therefore is unable to adequately support both of the aforementioned Chaplains of the Prelature, the Auxiliary Chaplains, then the Venerable Works of Saint Michael, Saint Barbara, Saint James, and Saint Philip, as well as the Society of Saint Sebastian of Monti Catino, shall provide the necessary expenses for the aforementioned Auxiliary Chaplains.

[*Latin ed. p. 951*]

Sacred Congregation of the Council. 951 "Let the necessary provisions be made according to the terms of the aforementioned Rescript of the Holy Roman Church." – Considering, however, this kind of assignment, concerning the uncertain Baptisms as mentioned above, and the removal of the sacristy and the maintenance of the church building, the oil for the lamp, the wax, and the sacred furnishings, we wish and command that in the future, these matters pertain only to the Parish Priest of Plebs Nebulae, for the maintenance of the canonical house, with the additional obligation of providing alms to the poor of his parish.

We reserve the right of patronage of said parish church, and the right to choose, appoint, and present the parish priest, should the occasion arise, first to the members of the aforementioned Venerable Order of Saint Margaret, assembled before the Chancellor of the Community of Monte Catino, with the reservation of free collation to Their Royal Highnesses in the event of a tie in the votes, and secondly, to the Rector of the Parish Church of Saint Peter of Monte Catino, alternatively and in turn, provided that the turn or alternative begins with the aforementioned members of the Order, and when the aforementioned turn or alternative pertains to the aforementioned Rector, the method and order shall be observed as has been granted in the right of private patronage, etc. Given at Pisa, from Our Episcopal Palace, this 13th day of February, 1782.

"Francis, Bishop of Pisa."

Against this instrument, the modern parish priest of Plebs Nebulae objects, claiming that it is uncanonical and therefore invalid, because the Bishop Vincent, without hearing anyone who had an interest, unjustly deprived his church of its goods and rights; because there are no documents of a legitimate transfer of the parish to the church of Monte Catino; and although the parish priest of Plebs Nebulae did not object against the decree of the Bishop, nevertheless, this prescription cannot be invoked, because those concerned were silent out of reverence for the Bishop and for political reasons. Therefore, he claims the restoration of

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his church's matriculation and right of patronage, as well as the entire patrimony of the church.

On the contrary, according to the current parish priest of Monte Catino, there was a just cause for transferring the parish from Plebs Nebulae to Monte Catino, because, as mentioned above, the majority of the parishioners had moved to Monte Catino due to wartime disturbances and the unhealthy air in Plebs Nebulae. Therefore, Bishop Vincent did not act unjustly; rather, he merely confirmed, explicitly and repeatedly, the transfer of the parish that had been made by his predecessors, or at least tacitly approved. Therefore, there is no need for a prescription – which, however, would have run perfectly well. Therefore, he requests the Sacred Congregation to maintain the status quo.

[*Latin ed. p. 952*]

952 Acta Apostolicae Sedis. - Official Commentary. Hence, the following question was proposed: Whether and in what manner the petitions of the parish priest of St. Mark or St. Peter of Nebulae should be admitted, or rather, rejected, in the case of the Apostolic Penitentiary. RESOLUTION. - The Most Reverend Fathers of the Congregation of the Council, having held plenary meetings on May 14, 1910, decided that the answer should be: Negative to the first part; affirmative to the second part; and furthermore. On the 15th of the same month and year, Our Holy Lord, having heard the report of the undersigned Secretary, deigned to approve the resolution of the Most Reverend Fathers. C. L. CARD. GENNARI, Prefect. S. Basilius Pompili, Secretary. FROM BARCELONA. QUESTIONS REGARDING THE LAW OF ABSTINENCE AND FASTING. On August 6, 1910. The Bishop of Barcelona, in order to ensure the tranquility of the faithful entrusted to him, proposed the following questions to be clarified regarding abstinence and fasting: "Indeed, the Archbishop of Gerona inquired: 'Whether the response given by the Sacred Penitentiary on February 28, 1826, which states that it is permissible for those enjoying the 'indulgence of meat' to eat meat on days of fasting in the same meal, along with cooked meat, and thereafter to eat fish, and, according to the opinions of authors, to eat meat in the same meal along with fish, also applies to the faithful of the Kingdom of Spain, where this custom does not prevail.' And the response given to the inquiring Prelate is as follows: 'In audience with His Holiness on August 28, the Sacred Penitentiary, under the guidance of His Holiness, ordered that the aforementioned mixture be permitted, notwithstanding any contrary provisions.' "Indeed, within so short a period of time, there are many who hold different opinions. "Some teach that, even on days of abstinence, it is permissible to consume a small portion of meat in the evening meal,

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because a small portion of meat..."

[*Latin ed. p. 953*]

Sacred Congregation of the Council. 953 "Some maintain that certain types of meat are not true meat; others, however, consider them to be 'meat' and permit their consumption only for sustenance, and not at meals, since they consider such 'meat' to be among dairy products; finally, some consider 'meat' to be forbidden both at meals and for sustenance on days of abstinence, provided that on those days, the faculty to eat meat is not granted by dispensation. Furthermore, on the occasion of the aforementioned resolution, questions arose concerning seasonings made from fat and lard with regard to food for sustenance; and also, a controversy was raised regarding the consumption of fish at meals. From these various opinions, not all of which correspond to the established customs of all places, and in matters subject to individual practice, arise anxieties of conscience, which it is fitting to remove; therefore, the following are proposed: 1° Whether, on days when meat is forbidden, even if there is no dispensation, it is permissible to use certain types of 'meat' along with fish. 2° Whether, when the use of dairy products is prohibited, one may consume certain types of 'meat'. 3° Whether it is permissible, among the Spanish, to season food for sustenance, both at meals and at evening snacks, with fat or lard. 4° Whether fish can be consumed at meals on days of fasting, provided that the quantity is observed, even if such a custom does not prevail in Spain."

SYNOPSIS OF THE DISPUTATION TAKEN FROM THE CONSULTOR'S OPINION. These four doubts do not concern the very nature of ecclesiastical fasting, namely, abstinence from food, but rather a part of it, namely, abstinence from certain types of food. The first two manifestly refer to the law of Benedict regarding the non-mixing of meat with fish. Therefore, it will be worthwhile to investigate the mind of this most learned Legislator. Benedict, Pope XIV, already as Prefect of the Church of Bologna, lamented about various abuses concerning the law of fasting, since, on the part of many, "no account was taken of this apostolic institution and most sacred precept, and banquets were openly and impunely held during the time of fasting, and meals forbidden (along with permitted foods) were mixed together." Therefore, elevated to the Chair of Peter, already in the first year of his pontificate, in the encyclical *Non Ambiguimus*, dated May 30, 1741, he urged the bishops to eliminate these abuses with these words: "To no one, without a legitimate reason and the advice of both physicians..."

[*Latin ed. p. 954*]

Acta Apostolicae Sedis. - Official Commentary. 954 « by counsel, but to the multitude, only if there is a very serious and urgent necessity... « that a dispensation from the quadragesimal fast be granted;... but « that, in

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such a case, the single meal should be observed above all... and that licit and forbidden foods should by no means be mixed together ». But since some have considered this dispensation, in which there is always a double condition, namely, the observance of a single meal and the avoidance of mixing licit and forbidden foods, to apply only to the multitude, and not also to individual faithful, the Supreme Pontiff, in another encyclical, *In Suprema*, dated August 22, 1741, declares: « In every occasion, whether to the multitude indiscriminately because of a very serious and urgent necessity, or to individuals for a legitimate reason, and with the advice of both physicians, provided that no certain and dangerous condition of health intervenes, and that otherwise it is necessarily required, during the Lenten season and other times of the year, « in which the consumption of meat, eggs, and dairy products is prohibited, We declare and decree by these presents that a dispensation shall be granted to all, without exception, to observe a single meal, and that licit and forbidden foods should by no means be mixed together ». However, even after this, « several objections were devised by some, and several questions were proposed, of little weight and importance, when they are completely contrary to the words or meaning of the law itself ». Therefore, the Pontiff rightly warns: « Care must be taken that, in expounding the Constitutions of the Apostolic See, out of excessive zeal to exhaust the argument, « no ambiguous or doubtful method be employed... but diligent effort must be made to resolve such doubts completely among yourselves (Spanish theologians), so that the minds of men are never disturbed by a prolonged dispensation », etc. Therefore, more such doubts, proposed to him by the Archbishop of Compostela, were answered by Benedict XIV in the letter *Si fraternitas tua*, dated July 8, 1744, in this sense. When the Archbishop was soon taken by death, the Supreme Pontiff, fearing that the aforementioned letter might not come to the attention of those who had proposed the same doubts, on June 10, 1745, published a new encyclical, *Libentissime*, in which he clarified the aforementioned meaning, inserting the questions in the letter *Si fraternitas* in their entirety, and reminding the bishops of Spain of the words of the Council of Trent (Session XX, on reform): « They should take care that the faithful observe those things which contribute to the mortification of the flesh, such as the choice of food and fasting »; and he again emphasizes that it is most important to avoid mixing meat with fish. Finally, the doubts proposed to him are divided into seven questions, and he briefly answers each one.

[*Latin ed. p. 955*]

The Holy Congregation of Councils, 955. The following responses are particularly noteworthy: 1. ”Whether the law, urged in the Encyclical of the year 1741 concerning the single meal and the prohibition of mixed dishes, applies with equal force”; 2. ”Those to whom it is permitted to

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eat meat at the evening meal must use that food and that portion with a right and careful conscience"; 3. "The meals permitted for those to whom it is allowed to eat meat are the meats themselves; the meals forbidden are fish"; 4. "The precept concerning both kinds of meals also includes Sundays and the days of Lent"; 5. "These two precepts are to be observed outside of Lent." Furthermore, concerning the sixth question: "Whether this law also applies to those who, by virtue of the Bull of Cruciata, are permitted to eat eggs and dairy products," the response is: "Nothing is stated in the Apostolic Letters that refers to the gracious Diploma of Cruciata. Therefore, those who enjoy this [privilege] should strictly and carefully observe its provisions, and conduct themselves according to its meaning. However, they should take care not to consider themselves excused from the laws prescribed therein by any frivolous pretext."

We lingered longer on these constitutions of Benedict XIV, because they clearly demonstrate the intention of the Pope to be that the most serious law of fasting be observed with the utmost care, that abuses be eliminated, and that dispensations not be easily granted for trivial reasons, but rather that a general dispensation be granted only for the most serious and public necessity, the judge of which will be the local Ordinary; and that a special dispensation be granted only for reasons approved by a physician of the body and soul. Furthermore, even if a dispensation is granted for meat, the single meal must be observed, since this obligation is not removed by the indicated dispensation. Nor is it permitted to mix meat with fish, for the dispensation is granted for this reason, because fish are considered harmful to the person requesting the dispensation.

These Benedictine principles have been consistently adhered to by the Holy Penitentiary, where the authentic interpretation of the law of fasting must be given. One of the first doubts concerning the observance of fasting, presented to this Holy Tribunal, is found in its archives from February 26, 1826: "Whether one who has been granted a dispensation for the eating of meats, in accordance with the then-current distinction between healthy and unhealthy meats, may use Lenten foods as much as possible to observe the fast, and whether he may eat a prepared dish, which he is legally obligated to eat in a single meal, to the detriment of his health, in order to avoid harm?" The response is: "Affirmatively." This decree is not cited by the authors, but...

[*Latin ed. p. 956*]

Acta Apostolicae Sedis. - Official Commentary. 956 (see also Acta S. Sedis, vol. I, page 429) all refer to a similar decree dated February 8, 1828, which is not found recorded in the Archive of the Holy Penitentiary. The tenor of this decree is: "To the question: Those who are 'dispensed from the quality of foods' can, on days of fasting, nourish themselves with only broth to provide for their health, and in the rest, can make use of

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substantial foods to preserve as much as possible the observance of the Law of Foods? - The Holy Penitentiary, on February 8, 1828, after due consideration, responded: Affirmative." Whether the authors have erred in relating the date of the decree, or whether the Holy Penitentiary omitted to record this decree, we cannot now determine. We observe, however, that the Holy Penitentiary, in these decrees, adhered to the principle established by Benedict XIV: that fasting should be observed as much as possible. Therefore, if the faithful, with a timorous conscience, fear that perfect observance of abstinence will harm their health, and for this reason obtain a dispensation regarding meats, they should, from now on, be content with only the allowance of meats, so that, by mixing with other foods, they may be able to preserve the observance of abstinence as much as possible: the allowance of meats with fish. Doctors of moral theology, of course, interpreted this decree in different ways. Some deduced from it that the allowance of meats [meat broth, strictly speaking] is not meat, and therefore does not violate the law prohibiting the use of meat. Thus, St. Alphonsus (Moral Theology, Vol. IV, n. 1015), whom many follow as a guide, says: "The prohibition of the Pontiff regarding the mixing of meats and fish must be strictly understood, namely, when a dish of meat is properly eaten, but the allowance of meats has more to do with the seasoning than with the food itself." The Theologians of Barcelona adhere to this opinion, and some, interpreting the response of the Holy Penitentiary to the Bishop of Gerona, given last August, according to the letters of the Bishop, consider that the allowance of meats applies to seasonings of fat or lard, and some even include dairy products! It is sufficient to briefly respond to these opinions. Albert, in his book entitled "On Ecclesiastical Fasting," page 17, teaches that fat differs from meat broth: "Fat is chemically distinguished from meat broth; the former is a light substance that floats in a vessel; the latter, on the other hand, remains dissolved in water" (Cf. also Monit. Eccl., vol. 9, page 2, no. 144). In the same sense, the Holy Penitentiary responded, as reported by Bucceroni (Moral Handbook, no. 499): "On days of Friday and Saturday, on which 'seasonings commonly called 'of fat" are permitted, can meat broth be used?," it responded: "Under the terms 'seasonings of fat,' cooked meat broth is not included." Meat broth is not a dairy product.

[*Latin ed. p. 957*]

957 Sacred Congregation of the Council. It is also established that eggs and milk, although they come from living animals, are not considered meat; however, broth, even if it contains meat, is permitted, provided it is diluted. "For broth, containing only from 7 to 9 grams of mineral salts and from 12 to 14 of organic principles, so easily coagulable and crystallizable... and containing few assimilable principles, is not nutritious." Cf. Littré and Robin, Dictionary of Medicine, v. "Broth." This is also confirmed by the common

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sense of the Church, expressed in catechisms. Therefore, a recent response from the Sacred Penitentiary (in August of the past year), which should be considered a confirmation of previous responses, permitted the mixing of broth with fish, not because the broth is meat, but because its intention is to maintain abstinence, as far as possible. However, since the faithful of the diocese of Barcelona were justly troubled by conflicting interpretations of the decree, the bishop put two questions to the Sacred Holy Office for resolution: 1° "Is it permissible, on days when meat is forbidden, even if there is no dispensation, such as on the Fridays of Lent, to use broth made from meat along with fish?" 2° "When the use of dairy products is prohibited, is it permissible to consume broth made from meat?" It is clear from what has been said that the answer to both questions is "No." However, to completely dispel any doubt, it would be useful to add: "But broth made from meat may only be consumed on days of fasting, in a single meal, along with fish, by those who have obtained a dispensation for the use of meat." The third question concerns condiments permitted on days of fasting. Formerly, only olive oil was permitted as a condiment, but over time, since it is found in very few regions (especially in the northern regions), the use of lard was permitted each year (Buccheroni, Enchiridion Morale, 2nd ed., p. 72), and since 1889, even fats from any animal (Sacred Office, May 1, 1889). On May 15, 1896, natural butter was also permitted, and finally, on February 6, 1899, artificial butter (margarine) extracted from animal fats. However, the use of milk or cheese is not permitted as a condiment. (Cf. Monitore Eccl., May 31, 1902, p. 138, n. 31). Therefore, when all these condiments are substituted with olive oil, and olive oil is permitted, these are also permitted, unless a special limitation is added. Therefore, the Sacred Penitentiary, when asked on January 16, 1834, about liquefied lard, commonly called "strutto," whether those who are bound by fasting could use this condiment, "if a dispensation is granted for the use of liquefied lard, either by a Papal Bull or for another reason, solely on the title of 'condiment'."

[*Latin ed. p. 958*]

Acts of the Apostolic See. - Official Commentary. 958 "And concerning a late collation?" he replied: "With regard to those who are bound by fasting, they may lawfully use, even in a late collation, condiments permitted by the Indult, because those condiments are included in the Indult; provided that there is no restriction in the Indult stating that they may be used only in a single collation." Therefore, to the third question, the Bishop of Barcelona should answer: "Affirmatively, even for a late collation; provided that the permission for condiments made with fat is simply stated by the Bull of Cruciata or another apostolic Indult for the days of fasting." Finally, in the fourth doubt, although in Spain there is a firm custom to the contrary, the use of fish for the collation is requested, always observing the due

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quantity. Since the laws of fasting are largely governed by custom, to which confirmation of legitimate authority is often added, the faithful are bound by these laws, even if introduced by custom. Indeed, when, in addition to the single collation, a collation was introduced on the days of fasting, a smaller quantity was permitted for more nutritious foods. Thus, in Spain, the theologians of Salamanca (chapter 2, number 77) permit "bread, fruits of trees... raw and cooked herbs mixed with some oil, sweets and pastries," especially "because these foods are not among those that are intended to sustain nature and nourish it, and also because in this way the custom has been established." As for fish, since they are more nutritious, Saint Alphonsus (book IV, number 1028), D'Annibale (III, n. 134), etc., reduce the quantity. According to the current discipline, everything that is permitted by Indult for a single collation is permitted for the collation (such as eggs and dairy products). Therefore, any kind of fish can be used, where there is no contrary custom. In Spain, however, as the Bishop of Barcelona himself admits, there is a custom of not eating fish at the "collation." This is also confirmed by Ferreres, a Spanish moralist (cf. Gury-Ferreres, vol. I, n. 499). Where such a custom exists, it must be observed until a dispensation is granted, as Génicot teaches (vol. I, n. 437): "However, where a stricter norm prevails and is more in conformity with ancient custom, such as excluding more foods, e.g., larger fish, this [must be observed]: not much weight should be given to custom in determining this precept, even in particular customs." And Lehmkuhl (vol. I, n. 1212): "As for the quality of foods that are permitted at the collation, it depends greatly on custom." Ferreres concludes (vol. I, n. 496-6^): "The general rule is that, since this collation has been introduced by custom, it is governed by custom both as to quantity and as to the quality of foods."

[*Latin ed. p. 959*]

S. Congregation of the Council. 959 Therefore, to answer the fourth question: Negatively, considering the contrary custom. Resolution. The Most Reverend Fathers of the S. Congregation of the Council, having held plenary assemblies on August 6, 1910, considered that the following answers should be given to the doubts proposed by the Bishop: R. To question 1 and 2: One communion and one indulgence. To question 4: Affirmative, but the dispensation of meat on days when fish is permitted may only be granted to those who abstain from meat, even in the evening meal, provided that condiments permitted on days of fasting are allowed. Considering the contrary custom, negatively. On the 7th day of the same month and year, the Most Holy Lord, having heard the report of the undersigned Secretary, deigned to approve the resolution of the Most Reverend Fathers. C. CARD. GENNARI, Prefect. L. S. Basilius Pompili, Secretary. III. DECREE CONCERNING THE DISCIPLINE OF THE CHOIR TO BE OBSERVED IN THE CITY. The Roman Pontiffs, diligently guarding the decorum of the

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House of God, have consistently placed this care in the forefront, so that the discipline of the choir may correspond to the dignity of the venerable City and the splendor and magnificence of the sacred buildings within it. Indeed, the frequent sight of those offering sacrifice and praise to God, and the sacred mysteries, which should be treated with due amplitude and majesty, are of great benefit in elevating minds to the divine and in stirring up charity. As this solicitude of the highest authority of the Church has been and continues to be, nevertheless, in these recent times, and especially for this reason, the sacred discipline of the choir has gradually weakened! Hence, daily and grave complaints have been brought to this S. Congregation, concerning the fact that in collegiate churches of the City, and even in the very patriarchal basilicas, very few canons and other beneficiaries are present to perform the divine office and to carry out other sacred duties. Since this can be detrimental to the decorum of the divine worship, and can give rise to offense, the Most Holy Lord, our Pope Pius PP. X, guardian and avenger of sacred dignity in the City, following in the footsteps of his predecessors, and having before his eyes the Decree of the Sacred Congregation of this place.

[*Latin ed. p. 960*]

Acta Apostolicae Sedis. - Official Commentary. Volume 960, published on the 17th day of the month of September, 1902, and confirmed by the Most Holy Pope Leo XIII, establishes and decrees the following:

I. Notwithstanding any custom to the contrary, from the first day of the month of January, 1911, all fruits pertaining to the Chapters shall entirely be distributed daily, for days and hours.

II. He who is absent without a legitimate reason shall lose all fruits, and if he has received any, he shall restore them, saving the special constitutions by which a greater penalty is imposed.

III. He who is absent for reasons of health, with due recognition of the reason and form, shall be considered present in the choir, and shall have the right to receive the daily distributions in full.

IV. Saving the special indulgences granted up to now by this Holy Congregation, all other privileges granted in favor of a person, or for the cause of pious institutions or works, or by reason of offices, especially in the Sacred Congregations, in any way and by any title, shall cease, without prejudice to any privileges, and shall have no force or effect whatsoever in the future.

V. Those who are absent by permission shall acquire the two parts that belong to them, but shall always lose the third part, to which they shall not claim any right by reason of a grace previously obtained.

VI. The power to grant exemptions from the choir for a legitimate reason is entirely reserved to the Holy Father; this Holy Congregation, how-

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ever, before granting a grace, shall always seek the opinion of the Chapter through silent suffrage.

VII. Those who enjoy the privilege of exemption for days and hours, and who, during times free from office, neglect to attend the choir, for the sake of which they are exempted, shall be severely reprimanded by the mandate of the Holy Father, and shall remember that they are not only violating the sanctity of religion, but also infringing the laws of justice, and are therefore subject to the obligation of restitution.

VIII. In order that priests belonging to the Chapters may be able to assist parishes or religious institutions in promoting the eternal salvation of the faithful, and to reconcile, as far as possible, the obligation of attending the choir with other duties or works of charity, the Holy Father grants the power to the Most Eminent Cardinals, Archpriests of the Patriarchal Basilicas, and those who are in charge of Collegiate Churches, after hearing the opinion of each Chapter, to change the order of hours established for the performance of sacred offices, and to arrange for the recitation of Vespers and Matins in the evening of days of precept. Finally, in all matters not covered by the present decree,

[*Latin ed. p. 961*]

961 The Roman Rota. His Holiness desires and commands that the decrees of the most holy Council of Trent, and the decrees and responses of this Congregation concerning the governance of the clergy, be observed by all with the utmost care and piety. And He has ordered that all these things be made public by the present decree of the same Holy Congregation, and be inviolably preserved, notwithstanding any contrary things, even those deserving of special mention. Given in Rome, from the Sacred Congregation, on the thirtieth of November, 1910. C. CARD. GENNARI, Prefect. L. S. B. POMPILI, Secretary. During the happy reign of Pope Pius X, in the eighth year of his pontificate, the Most Reverend Fathers Michael Lega, Dean, Gustavus Persiani, and Antonius Perathoner, Assessors from Tournon, in the cause of the Cameracen, concerning the Nullity of Marriage, between Ioannes Cordier, represented by his procurator Ioachim Nicolle, and Mariam Nicolle, with the intervention and dissent of Antonelli Costaggini, the following advocate, and Mariam Vinculi, Defender of the Bond ex officio, pronounced the final judgment. Ioannes Cordier, from the town of Aubers in the diocese of Cameracen, in the autumn of the year 1903, at the urging of his friend Iulianus Verschaeve, intended to marry Mariam Nicolle, who lived with her parents in the city of S. Audomari. But already in his first conversations with his fiancée and her parents, he perceived a certain foul odor emanating from Ioannes. He announced this to his mother, and then the same odor was perceived by his mother, and by his friend Huyghe, a physician, who warned that the cause of the foul odor might be a disease called ozena, which is terrible and

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contagious. Therefore, terrified, Ioannes declared to his mother, and to his friends Iulianus Verschaeve and the physician Huyghe, that he would not marry Mariam Nicolle at all if she suffered from ozena. Furthermore, he wished that physicians be consulted about this matter. An inquiry was...

[*Latin ed. p. 962*]

Acta Apostolicae Sedis. - Commentarium Officiale. In the year 1904, and indeed through a letter, there was consultation with the doctor Bachelet, whose services the Nicolle family was already utilizing. He, however, responded that Mary was enjoying perfect health. Upon receiving this response, John contracted the marriage on the twenty-first of April, 1904. On that occasion, both he and his mother again detected that characteristic odor; therefore, John declared to his mother in the evening: "I would not marry Miss Nicolle if I did not have 'my reassurance' on this matter." Consequently, it was decided to reveal John's doubts to the Nicolle family, so that the Nicolle family might reassure John; and the mother of John accepted this proposal. The examination in Insulas was carried out by the doctor Lavrand, who declared that he did not find "at the time of the examination" any signs characteristic of ozena. With this declaration, the actor's doubts seemed to be dispelled for the moment. Nevertheless, John remained anxious and uncertain until the day of the marriage, and therefore, both to his mother and to the servant, and also to the doctor Huyghe, he repeatedly declared his intention not to marry Mary unless the absence of ozena was again and again confirmed. Nevertheless, the marriage was celebrated on April 26th, but during the very celebration, the actor recounted to his friends that he had renewed that condition in his mind, and he testified before the judges. During the wedding journey, John immediately perceived that foul odor, which odor was so strongly manifest that the actor considered suicide; and he immediately broke off the wedding journey, and on May 15th, he returned to Insulas. There, on the following day, he took his wife to the doctor Lavrand, who, recognizing the presence of ozena, prescribed a medicine that is used to treat ozena. For greater security, and at the urging of the doctor Huyghe, on May 20th, John took his wife to the doctor Valentin, who, however, because of the law of medical confidentiality, did not reveal the illness, but suggested consulting the doctor Lermoyer. This latter declared that "for the moment" he did not find any symptoms of ozena, and at the same time added that the cause of the foul odor should perhaps be sought in the teeth, and therefore advised consulting a dentist, named Maret; who, however, found the teeth to be healthy. Under these circumstances, conjugal life was not pleasant from the very beginning; and therefore, the husband, being certain of the existence of ozena, after only five weeks from the marriage, began to live separately from his wife, and then, through a letter of October 15th, 1904, he informed his wife, who was staying with her parents for the purpose of treatment,

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of his intention to completely dissolve the marriage. Upon receiving the letter, the woman petitioned the civil court for a divorce, and obtained it on February 23rd, 1905. John, the actor, who had stated that the absence of ozena in his wife was a condition without which he would not marry, presented his case to the Church court, with a written petition of February 21st, 1907, in order that his marriage to Mary Nicolle might be declared null.

[*Latin ed. p. 963*]

Regarding the Roman Rota. In 96S, the case was dismissed due to an unfulfilled condition. The aforementioned court rendered a judgment favorable to the plaintiff on November 21, 1908. Against this judgment, the Defender of the Bond from Cambray appealed to the Sacred Congregation of Sacraments, which remanded the case to the Sacred Roman Rota. However, the Rota, considering the question: "Does nullity of the marriage exist in this case?", responded negatively on June 19, 1909. Since this judgment was not confirmatory of the judgment of Cambray, the plaintiff, exercising his right, appealed to the next session, in accordance with Canon 33, paragraph 2, of the Proper Law of the Sacred Roman Rota. Therefore, the question to be resolved today is: "Should the judgment of the Rota be confirmed or overturned in this case?"

Concerning the facts, the Most Reverend Doctors A. A. have determined, based on all the procedural documents, the following: a) Mariam Nicolle suffered from a nasal catarrh, or a similar ailment; b) Ioannes Cordier stipulated the absence of infirmity as a condition essential for the marriage; and c) this condition was never revoked. Furthermore, if the principle "In matters of medicine, one must trust the physicians" holds true, it is clear that Mariam Nicolle was already suffering from some ailment before the marriage, causing an odor. Seven physicians, including Uberius Lavrand, who had previously rendered a negative judgment due to the variability of the nasal catarrh, testified to the existence of the ailment before the marriage. The physicians consulted not only possess expertise in the medical arts, but also excel in integrity and piety, so that there is no reason to doubt their veracity. In contrast to the testimony of so many physicians, the testimony of Doctor Bachelet and the silence of Doctor Valentin cannot be invoked. Doctor Bachelet, when questioned by Doctor Huyghe in a letter, declared that Mariam enjoyed excellent health. It should be noted that Doctor Bachelet did not examine Mariam, as was erroneously stated in a previous judgment, and that Doctor Bachelet was a physician for the Nicolle family; therefore, he was bound by the law of secrecy under penalty. Doctor Valentin also believed that he was bound by the same law, and refused to testify about Mariam's health after the marriage. Mariam Nicolle, however, refused to be exempt from the law of secrecy by a physician, and did not wish to undergo a medical examination. From this course of action,

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a presumption of the existence of the nasal catarrh is certainly inferred.

The testimony of Doctor Lermoyer should also be given less weight, who affirms that he examined Mariam's nostrils and found no "at that moment" trace of nasal catarrh, but that a foul odor could originate from her teeth. I say, less weight should be given to this testimony: for Lermoyer perceived some odor, but the remedies prescribed by him, according to the testimony of the esteemed Doctor Guermoupres, eliminate the nasal catarrh.

[*Latin ed. p. 964*]

Acta Apostolicae Sedis. - Commentarium Officiale. 964. Finally, it was not only John who perceived the odor: a new investigation revealed that John's mother and Blanche Lemerre also perceived the same odor, while accompanying the couple on their wedding journey. Julian Verschaeve himself, who had previously stated that he did not perceive the odor, today perceived it in Mary's father. However, it cannot be doubted that John Cordier had stipulated a condition prior to the marriage, namely, the immunity of the bride from the disease. Indeed, the witness, under oath, testified as follows: "I imposed a formal and indispensable condition; that Mademoiselle Nicolle would not be afflicted with the disease. This condition remained in my mind, not only as a state in which I had persevered for a long time, but as an act specifically intended at the very moment itself." And again: "On the day of my marriage, I formally intended to marry Mademoiselle Marie Nicolle only under the condition indicated, and I remember having considered this very coldly and very clearly." This testimony, of course, is not sufficient to establish proof, since John has the greatest interest in this matter; however, it carries great weight, because, with the witnesses of the parish priest of Halluin and the magistrate Debout, there is no suspicion of perjury against John. Further information about the condition imposed by John before the marriage was obtained from Julian Verschaeve, the doctor Huyghe, and the servant Blanche Lemerre. Julian Verschaeve, whose services John primarily used to bring Mary, learned of the condition imposed only after the civil divorce; but he was the one to whom John confided that he had written letters to inform friends of the annulment of the marriage, if it should not be the case that Mary was not suffering from the disease. "On the evening of the consultation," Verschaeve said, "Jean Cordier told me: 'I want to be informed, because if Mademoiselle is ill, I will not marry her.' It was also then that he confided in me that he had written to different friends to inform them of the annulment of the marriage." The doctor Huyghe, who initially tried to alleviate John's anxieties, testified: "Around mid-March, Mr. Jean Cordier began to say what he has continued to repeat ever since: 'If there is such a story, I do not want to know anything about it, I will not marry.'" More clearly, Blanche Lemerre stated: "Before the marriage, I heard Mr. Cordier tell his mother and tell me himself that he would not marry Mademoiselle Nicolle if she had the disease, and that

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he would only marry her on the condition that she did not have it." Nor should the testimony of Blanche Lemerre, who was employed as a servant in John's household, be considered suspicious. For Blanche is described as being of the most trustworthy character, and, although dismissed from her service, she reaffirmed what she had previously stated. In addition to these witnesses who testified before the marriage,

[*Latin ed. p. 965*]

965 The Roman Rota received information regarding the condition stipulated by John, and several others testified who learned of the matter after the marriage, either from John himself or from John's mother. So many and such testimonies, taken together, certainly prove that John stipulated a condition. It is also certain that the object of the condition was not a specific disease, namely, "ozena," but rather, in general, a disease causing a foul odor. Thus, witness B. Lemerre states: "He married, being quite convinced that the disease did not exist; otherwise, he would not have married." And witness, the physician Carpentier, states: "Mr. Cordier was reassured, and he married because his fiancée did not have the disease that he feared." This is made even clearer by the testimony of the physician Huyghe, who recounts having spoken with John three times before the marriage about the signs of the disease. The first time, John Cordier, not long after his first conversation with his fiancée, informed physician Huyghe that his fiancée was emitting a foul odor. Physician Huyghe, attempting to reassure John, explained that the odor in the young woman could be caused by various reasons, but he also instructed John to observe further signs of the disease. John, diligently following the physician's advice, reported after about 15 days that the signs of the disease were always the same. The physician again urged John to investigate the matter further. Subsequently, in March, John again visited physician Huyghe and, sadly, informed him that he had always observed the foul odor in his fiancée. "At that time," Huyghe continues, "I told him that the matter could be very serious, and that he should not proceed with the marriage until he was fully reassured about the situation. I mentioned the words 'ozena' and 'gonorrhea,' and at his request, I indicated that these diseases are transmissible, and that, for this reason, before contracting marriage under such conditions, one must consider the unfortunate children who might be born. It was then that Mr. Jean Cordier began to say what he has never ceased to repeat since: 'If there is such a situation, I do not want to know anything about it; I will not marry.'" From the account of physician Huyghe, it follows that John first doubted the existence of the disease, then, as the signs of the disease persisted, he was confirmed in his doubts, and finally, after serious warnings from physician Huyghe, he formally stipulated the condition, expressing himself in these general words: "If there is such a situation, I do not want to know anything about it; I will not marry." Therefore, the

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object of the condition was not the specific disease of "ozena," but rather, in general, a disease causing a foul odor. Consequently, the question of the existence of the specific disease of "ozena," which expert physicians precisely describe and about which they do not entirely agree, is entirely irrelevant; it is sufficient that, in the proven...

[*Latin ed. p. 966*]

It is recorded that Mary was afflicted with a disease, causing a foul odor for a certain period. However, the intention, which concerned itself with the existence or absence of the disease, was not in any way linked to this condition, namely, if the existence or absence were proven before the marriage, and the consent to the marriage would depend on this; but the intention always remained the same, to which the consent was attached: "If she is sick, I will not marry her." This is so true that the actor himself did not request a medical examination of his fiancée, but her mother approached the family of Nicolle to express the son's anxious fears, and subsequently, the fiancée's father wanted to consult with medical experts. The parish priest, Lesenne, recounts: "Mr. Nicolle, who did not want his daughter to be married 'with ulterior motives,' had her examined very carefully by Dr. Bachelet... later, perhaps on the same day, Mr. Nicolle, who absolutely wanted to appease Mr. Cordier, proposed to see 'a specialist, who was Mr. Lavrand.'" The same is evident from the testimony of the witness Huyghe; indeed, the fiancée herself explicitly states this, saying: "When Madame Cordier's mother came to tell us about her son's hesitations, my father decided to immediately consult our doctor, Bachelet... not content with that, my father wanted me to be examined those days by a specialist from Lille, Mr. Doctor Lavrand." Therefore, the outcome of the medical consultation could not dispel the intention or condition of the mind, which never concerned itself with a medical examination. In truth, John's mind remained doubtful, anxious both during the marriage and after the marriage. The fiancée, questioned by the judge about the condition of her fiancé during the marriage, replied: "I simply noticed that Mr. Cordier was showing some coldness, which seemed to increase later." And the doctor, Huyghe, whose honesty and integrity are praised by all, testified that the actor, shortly after returning from the wedding trip, told him: "So... at the moment of pronouncing the 'I do' sacramentally, it was with anguish, telling me clearly that if there was any odor, I would not be marrying." And the witness Brisse, on the day of the marriage, observing John's anxious state of mind, exclaimed: "You have brought us here; are you marrying, yes or no?" Indeed, John seemed to have laid aside all fear when he perceived the outcome of the medical consultation, because he was being drawn by love for his fiancée; but the mind, which had not sought expertise but the absence of disease, quickly returned to its anxieties as soon as any indication of illness was present. Therefore, it is impossible to inquire about or

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assert anything regarding the revoked condition or the complete absence of condition, unless we wish to give force to actions and proofs. The same intention always remained, even though, a short time before the marriage, it was affected by joy and happiness (for a brief period), when the belief arose in the mind that there was no disease.

[*Latin ed. p. 967*]

The Roman Rota. 9.67 Having established these facts, it must be noted, in the first place, what was stated in Decision 161, no. 6, part 19, 1.1, revised edition: "In order to establish a condition, more attention is given to the substance of the disposition and the intention of those making the disposition, than to the mere wording of the words." And a condition is present whenever there is a "circumstance added to the act from which the act itself depends" (D'Annibale, I, no. 14). Now, having established the condition, our opinion, which wrongly believes that this condition was fulfilled, does not change the matter. D'Annibale himself (I, note 31) states: "Therefore, if betrothal is entered into under the condition: if the parents consent... if the parents consent, they are immediately bound and create an impediment to public decency; if the parents dissent, then immediately it ceases to be binding, whether the betrothed know that the parents have consented or dissented, or whether they are ignorant of it." Therefore, it is a matter of playing with words if one insists on the testimony of the priest Baileux, where John states: "At that moment, I did not think about this condition that I had 'placed before'." Indeed, if John believed it at that time, but falsely believed it, then the disease was truly not present. However, in our case, the aforementioned Prelates considered this in order to resolve the opposing difficulties. The present question of fact falls within the most difficult and most important controversy of law - as Sanchez de matrim. VII, disp. 18 calls it, this question concerning an error of quality of a personal nature that extends to an error of person - as noted by Clericatus, decision 19, no. 27, in D'Annibale, III, no. 414, note 14. The Doctors, while attempting to explain it, involve it more deeply. Therefore, it cannot be demanded that the Advocate state with absolute certainty the canonical doctrine regarding a substantial error that extends to an error of person. But his other assertions and testimonies must be considered, in order to see if there is room for the application of the rule that Cardinal Gasparri states so clearly in de matrim., no. 785, regarding difficulties of a doctrinal and practical nature: "It is a simple error of quality in the cause of a contract, which is effective only if the quality is established as a true condition without which it cannot be." This rule, regarding an error of quality that extends to an error of person, is the truest: others add something else; but you, if you want to avoid error, adhere only to it, and resolve the cases that occur according to it." But, having established this rule, the words spoken by the betrothed to the judge create a difficulty, as he denies that he knew the

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nature of a marriage *in condicione*; indeed, he stated: "Mr. the Abbé 'de Halluin' finally clarified for me exactly what a 'conditional' marriage was; something that I was unaware of before, anticipating rather an error 'or a vice of consent'." Therefore, the appealed judgment points out: but, I beg you, can it be said that someone who is unaware of the value of the condition, nor even of the possibility of imposing a condition for the effect that necessarily follows, contracted a marriage *in condicione*? But, - as...

[*Latin ed. p. 968*]

958 Acta Apostolicae Sedis. - Commentarium Officiale. The fact that he uttered these words does not alter our estimation of the truth of the matter; therefore, the party, led by persuasion that the condition stated in the contract – if not in words, then in fact – was present, and having declared that he had, with the same sincerity and simplicity, ignored the effect and nature of the condition imposed, proceeds: "Today I ask the Church to declare my marriage null because of the following reason: I only wanted to marry on the condition that I be proven that the disease did not exist in my wife. Now, the condition was not verified, so that after three weeks, the same doctor first denied and then affirmed the existence of this ailment." Indeed, those testimonies which we have presented, and which abound throughout the entire process, confirm the truth of this assertion, to the extent that even the defender of the bond cannot deny the imposition of the condition before the marriage, but contends that it is undoubtedly complete, as it was present before the celebration of the marriage, and that it was subsequently revoked because of the conceived persuasion that the disease did not exist, the groom himself stating: "It is thus that I was reassured, that I was led to marry 'even so,' and because of the fact that, despite his intention not to lead Mary, he nevertheless led her in fact, thus deviating from the imposed condition. But because more words, whether of witnesses or of the party himself, have been accumulated by the defender of the bond, from which he has deduced that the condition was completely imposed, because the wife was examined for the disease, the doctor Lavrand reported that the bride was not affected by the disease, the question returns to declaring what was the intention of the groom in imposing the condition, and whether this intention was revoked. Regarding intention, D'Annibale I, n. 135, discusses this profoundly: "Furthermore, the will is said to be both the end and those things which are directed towards the end; but when it tends towards an end (and especially when it tends towards an external end), it is called intention. There are three kinds of intention in our case: actual, habitual, and virtual; that is to say: intention without any attention (which is an act of the intellect) cannot be understood; for who can will what he does not even notice? Therefore, actual intention is that to which attention is constantly present; on the other hand, habitual intention is one to which there is no attention whatsoever; the virtual intention is between the two,

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for it is one to which attention is present only at the very beginning of the action, and afterwards (because the mind turns to other things) it is absent, which is difficult. And the actual intention is rightly called intention, and it is truly the principle of human action, and it is clear; likewise, the virtual intention, because it truly takes its origin from the very beginning of the action, and subsequently, by the impulse and force of the intention that began it, it follows. But the habitual intention does not even deserve the name of intention in actions, for those things which are done with this intention (externally) are done more by habit than by will." Regarding the habi-

[*Latin ed. p. 969*]

The Roman Rota. In the case at hand, where no actual movement of the will towards a specific end is present, the interpretative will, of which D'Annibale, *seq.*, speaks, is reduced: "When the interpretative will is not to be confused with the will that one actually has (although it is often used indiscriminately by Doctors, and even in law), namely, the will that one neither had before, nor has at present, because the object of that will never entered the mind of the person, if it had or were to enter, it would be nothing, and therefore it would accomplish nothing." Consequently, when a man marries, he wills to marry an honest woman, healthy, to be his wife; but the marriage is equally valid even if the woman does not possess these qualities, because the will never intended these qualities as part of its object. However, in the matter before the R.R. P.P., it seemed that the question was not about the interpretative will, because John certainly had an actual intention before the marriage not to marry Mary if she suffered from the disease of dropsy. Furthermore, the question cannot be about a habitual intention, because, as explained in the discourse already cited by Cardinal D'Annibale, it is not the will that moves this intention, but rather a habit. For, on the contrary, the disposition of the mind in John carried with it, before the marriage, an actual intention not to marry Mary if she suffered from dropsy: "I wanted to marry only on the condition that one would prove to me that my wife did not have dropsy." Therefore, this disposition of the mind does not correspond to the opinion of Reiffenstuel I, IV, vol. 1, on clandestine marriages, no. 349, which is presented in defense of the matrimonial bond, and which speaks of one "who is so disposed in mind that if he knew that the party he is to marry lacked that quality which he believes to be present, or that some quality which he believes to be present was lacking, or was affected with that quality, he would not marry." And the reason for this limitation is evident from what we have taught, where we have shown that a marriage contracted through error concerning a quality that is the cause of the contract (namely, so that because of it, one would not have contracted the marriage if one knew the contrary) is valid. And rightly so, because the interpretative will, or habitual intention, does not indicate

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a deliberate consent to the object. Since the interpretative will, or habitual intention, has been excluded from John by evident facts, there follow two states of mind in him: one, before the medical examination was carried out, and the other, after it was completed. From the first disposition of the mind, there was an actual intention that was thus expressed to his mother: "I declared to my mother that I would never marry in this uncertainty, that I had decided to break off the engagement if one did not prove to me, through a medical examination, that Miss Nicolle did not have dropsy." This desire was satisfied, and John, after receiving the opinion of the doctor Lavrand, exclaimed: "Everything is well, since there is nothing." Therefore, with the condition completed in the present, it seemed that in the preceding instance, all traces of the condition had disappeared, and retained.

[*Latin ed. p. 970*]

370 Acta Apostolicae Sedis. - Commentarium Officiale. then it is: "Hence, since John's entire will depended on the medical consultation, so that his intention was either absolutely not to marry, if Mary Nicolle were declared to be afflicted with the disease, or, conversely, purely and simply to marry, if she were deemed to be free from the illness, whatever condition might have been previously stipulated, it must be said that it had been retracted by the man." However, the fact that John's entire will or actual intention depended on the medical consultation is not in conformity with the truth of the facts; for John's intention was that Mary should be safe from the affliction which only John detested. Indeed, the end to which he was striving, and to which he needed to arrive, required that he have the medical consultation. D'Annibale, *loc. cit.*, says: "Furthermore, will is said to be both the end and those things which are directed towards the end; but when it tends towards the end, the name intention is applied to it." The means that was available in the matter to securely attain the end was the medical consultation. John himself narrates in his responses to the first question: "But on the day of the 'contract,' on the Thursday preceding my marriage on the following Tuesday, my mother and I noted upon arrival the presence of the characteristic odor. Nevertheless, the contract was proceeded with, but that evening I told my mother that I would not marry Miss Nicolle, if I did not have reassurance on this point." Subsequently, John's mother went to the family of the bride, and, having indicated the fears that were preventing the betrothal from proceeding, the decision was made to subject the bride to an examination and assessment by Dr. Lavrand, an expert physician, which was also done. The outcome of the consultation was that John, having had his fear dispelled, entered into the marriage contract. This initial disposition in John, or before the wedding, and even in the very act of the wedding, is clearly indicated by those words: "it is 'in this way that I was assured, that I was led to marry 'even'." That is to say, notwithstanding the fear of the illness, notwithstanding the intention not to marry Mary if

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she were afflicted with that illness: this is what that adverb "even" means. Indeed, the object of the intention, or the end of the will, remained the same, namely to take a wife free from the illness, but, from the physician's testimony, he had been persuaded that the illness was absent: "my 'mother returned and told me that there was no cause for concern, that 'there was nothing serious there'": hence, the actual intention or purpose of not entering into the contract unless under a certain condition was abandoned, and there succeeded a virtual intention, which "is," says D'Annibale, *loc. cit.*, "that to which only the initial attention of the actual act is attached, and afterwards (because the mind turns to other things) it is truly the principle of the human act, and also a virtual intention, since it truly originates the act, and subsequently, following the impulse and force of the intention that began it." The virtual intention, however, demonstrates that the marriage is invalid, according to the common.

[*Latin ed. p. 971*]

"The Roman Rota, sentence 971, by Cardinal Gasparri, I. c, n. 1023: 'All agree that marriage is null if a condition was present, namely, one placed in the very act of marriage, and then it appears that it does not exist. We also affirm this as certain if the condition was only virtual, that is, when in the act of marriage, not a single word was spoken about it, but it had been stipulated beforehand, and not revoked.' And shortly thereafter, the same author continues: 'It is evident that marriage is null due to a lack of consent if it is supposed that a true and properly stated condition was imposed, without which it could not have been, and that this condition, which in fact was not revoked, is null, I say even in the external forum, if these two things are clearly proven by arguments and evidence with moral certainty.' (I. c, n. 1024). The same is taught by Reiffenstuel (I. VI, vol. 1, n. 346 and following), saying: 'A marriage contracted through error concerning a quality is valid unless such quality was actually or virtually, internally or externally, made a condition, as if someone were to think internally or say externally: 'If you are a virgin, or wealthy, etc., I want, or intend, to contract marriage with you, otherwise not'; because even then, the error concerning the quality would invalidate the marriage. The reason is that every contract entered into under a condition present is null if that condition does not exist. However, for a marriage to be null due to a lack of this quality, it is required that one of the contracting parties have an actual or at least virtual, conditional intention: namely, that either at the time of contracting, he actually has the intention of not contracting, unless he has this quality, or that he previously had that intention and, by a contrary act, did not revoke it, but rather retained it, even virtually.' Indeed, there is no place for a virtual intention if an actual intention has been revoked; but how is this proven? The most learned Pitonius, cited by the Patrons, says that a will that has already been manifested and that imposes a condition on the

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contract should not be presumed to have been changed, but rather to have continued.' (Discept. eccle., disp. 52, § 39). For it is laid down in the law: 'that whoever once willed or did not will, it is understood that he always wills or does not will thereafter, as long as he has not retracted his will' (ex., 11-22, de probat., 1, 4, de matrim. vind., c. 3, de Bapt.). 'And he who claims that the will has been changed must prove it.' (L. 241, de probat., I. 3, § 3, de Usucap.). John is not to be considered as having revoked the condition because the marriage was actually entered into, although he was still anxious about the bride's health; for in this case, this state of mind does not exclude nor revoke the imposed condition, but signifies that John at that time doubted the truth of the fact in the condition imposed. John loved, hoped, feared; his mind was drawn in different directions; he had intended to marry, but not to marry if the bride was affected by consumption; the doctor, his family, and the bride's records, vol. I I, n. 23. — 1542-910. 65"

[*Latin ed. p. 972*]

Acta Apostolicae Sedis. - Official Commentary. 972. The parents urged that all fear be banished; hence, the betrothed swore their fidelity; but, having begun the nuptial journey, and immediately perceiving that Mary was truly afflicted with illness, he interrupted the journey, and all marital affection ceased. Finally, it was deemed that one could argue, only through sophistry, from the value of civil contracts which are entered into among us, concerning the matrimonial contract. For the contract – marriage – as D'Annibale teaches, UT, n. 4.25: "is a natural contract, governed both by natural law and by evangelical law, throughout all nations." And in note 17, he explains: "To this law, no human power has been given to derogate, substitute, or abrogate." On the contrary, civil contracts among us are valid primarily by civil law, as regards form, so that without writing they are of no value, and they are valid only insofar as they are written. Therefore, if conditions are added before the written contract is entered into, care is taken that they are complete, and if anything is contracted in writing, any condition is considered revoked; but if it is proven that there was a significant or enormous error or fraud, rescission is granted. Such a thing cannot even be feigned in marriage; but here, since it is governed only by natural law, if a condition exists, however expressed, and it is subsequently proven, the marriage must be declared null. Having considered all of these things: invoking the name of Christ, We, the undersigned Auditors of Tournon, sitting for the Tribunal and having only God before our eyes, decree, declare, and definitively sentence that the marriage between John Cordier and Mary Nicolle is null; or, responding to the proposed doubt: "The total sentence in this case must be reformed; therefore, the appealed sentence is reformed and declared to be so." Furthermore, we condemn John Cordier to pay the judicial expenses. Thus we pronounce, ordering the Ordinaries of the places and the Ministers of the Tribunals to whom it pertains, to

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order the execution of this our sentence, and to proceed against those who resist, according to the norms of the sacred Canons, especially Chapter 3, Session 25, of the Council of Trent, using those executive and coercive means which will be more appropriate and effective for the circumstances. Rome, in the Seat of the Tribunal of the Holy Roman Rota, on the 11th of August, 1910. Michael Lega, Dean. L. £8 S. Gustavus Persiani. Anthony Perathoner, Assessor. Sac. Tancredes Tani, Notary.

[*Latin ed. p. 973*]

The Roman Rota. 973. EDICTAL CITATION CONCERNING THE NULLITY OF MARRIAGE. Since, according to information from the Ordinary of Constantien, it is ascertained that Eugénie Berhaut, the woman involved in this cause, cannot be found, we hereby summon the aforementioned Eugénie Berhaut, by this edict, to appear in person or through a duly appointed procurator, before the Tribunal of the Holy Roman Rota, on January 17th of the year 1911, at the eleventh hour, in order to witness the signing of the following question, and to determine the day on which the cause will be presented before the Rota. Question: "Does it appear that there is a nullity in the marriage in the present case?" The Ordinaries of the places and all the faithful who have knowledge of the domicile or place of residence of the aforementioned defendant, ought, insofar as possible, to inform her of this edictal citation. Rome, November 28th, 1910. Ioannes Prior, Presiding. Rev. Mr. Tancredes Tani, Notary of the Holy Roman Rota. L. g* s. CONSTANTIEN. - NULLITY OF MARRIAGE. As, according to the information of the Most Reverend Ordinary of Coutances, it is ascertained that Eugénie Berhaut, the defendant in this matrimonial cause, cannot be found, we summon, by this edict, the aforementioned Eugénie Berhaut to appear, either in person or through a legitimately constituted procurator, before the seat of the Tribunal of the Holy Roman Rota, on January 17th, at 11 o'clock in the morning, in order to witness the signing of the question mentioned below, and to fix the day on which the cause will be presented before the Rota. Question: "Does it appear that there is a nullity of the marriage in the present case?" The Ordinaries of the places and the faithful who have knowledge of the domicile or place of residence of the aforementioned defendant, ought, insofar as possible, to inform her of this present citation. Rome, November 28th, 1910. Ioannes Prior, Presiding. L. % S. Rev. Mr. Tancredes Tani, Notary of the Holy Roman Rota.

[*Latin ed. p. 974*]

974 Acta Apostolicae Sedis. - Commentarium Officiale. SECRETARIA STATUS EPISTOLAE.

A D. ERNESTO BEGNI, in segno di gratitudine per i primi due volumi dell'opera "La Chiesa negli Stati Uniti d'America", presentati con dovuta riverenza al Beatissimo Padre.

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Stimato Signor Begni,

Quanto sia stato gradito al Santissimo Padre, Pio X, l'omaggio dei due primi volumi dell'opera "La Chiesa negli Stati Uniti d'America", Ella può facilmente comprendere dalla gioiosa accoglienza che lo stesso, quattro anni or sono, ha riservato al progetto di tale importante lavoro storico, che Ella stessa ha avuto l'onore di presentargli di persona.

E non poteva essere altrimenti, trattandosi di una pubblicazione che, intesa a illustrare lo sviluppo della religione cattolica negli Stati Uniti d'America, offre a tutti i cattolici, e in particolare al loro augusto Capo, così grande motivo di consolazione e di speranza, mostrando loro, nel passato fecondo, il futuro di una Chiesa che, come il piccolo seme di senape del Vangelo, umile nelle sue origini, è oggi divenuta un albero gigantesco, sul cui tronco, grazie al zeloso operato dei cattolici americani, ogni anno che passa, germogliano nuovi rami, con l'erezione di nuove diocesi e nuove parrocchie: e ogni nuova stagione matura nuovi frutti, in una più intensa e vigorosa espressione della vita cristiana.

La sollecita ed elegante edizione dei due primi volumi, che hanno già riscosso le più ampie simpatie e approvazioni dell'Episcopato d'America, rende invero onore alla studiosa attività e all'arte squisita dei collaboratori, ai quali si deve la ricchezza dei documenti riprodotti e delle artistiche illustrazioni: e i criteri a cui, nel suo complesso, è informato il lavoro, promettono che l'intera grande opera sarà in grado di rispondere pienamente alle aspettative che ne suscita la vasta e generosa cooperazione di ingegni e capitali, a cui è affidato l'arduo compito.

Sua Santità, pertanto, mentre, per mio tramite, Le esprime il Suo sovrano gradimento e le Sue congratulazioni, Le augura il meglio per il felice esito di questa interessante pubblicazione, la quale, nel tempo stesso che porrà sotto gli occhi dei lettori i teneri disegni della Provvidenza sui popoli d'America e la loro volenterosa corrispondenza, servirà a...

[*Latin ed. p. 975*]

Diary of the Roman Curia. 975. These are noble incentives to emulate such luminous examples of religious activity. I gladly add my personal thanks for the copy of these volumes kindly sent to me, and I, too, congratulate you on the successful work, and I take pleasure in reaffirming my high esteem for Your Eminence. Rome, November 25, 1910. Your Servant, L.)$(S. R. CARD. MERRY DEL VAL. II. TO V. E. LUDOVICUM HENRICUM S. R. E. CARDINALEM LUÇON, ARCHBISHOP OF RHEIMS, CONCERNING THE SUCCESSFULLY HELD CONVIVIUM OF CATHOLICS IN NORTHERN GALLIA AND THE FRENCH CHANNEL, AND TO OFFER CONGRATULATIONS. Most Eminent Lord, At the head of the signatories of the very noble Address of the Catholics of the North and the Pas-de-Calais, gathered in Lille from November 7th to 13th of this year for their xxxvii Congress, the Sovereign Pontiff noted with great satisfaction the name of

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Your Eminence, and those of several members of the French Episcopate, accompanying the Venerable Archbishops and Bishops of the Province of Cambrai. The Holy Father is firmly convinced that, under such an august and authoritative presidency, the work of the Congress has once again been accomplished in Truth and Charity, and that from these solemn gatherings of zealous and devout Christians, there will emerge resolutions that are both bold and fruitful, destined to effectively promote the many religious and social works that bring glory to the Catholics of the North and consolation to their pastors. To restore all things in Christ: this has been, from the beginning, and is now more than ever, the goal that men of heart and faith have set for themselves, and Your Eminence has just grasped the persistent and tireless action of those men. The Holy Father wholeheartedly applauds such dispositions and actions that are so in conformity with his own desires. Glad to learn that his teachings and recommendations are received with such joyful eagerness and such complete obedience by his sons of Flanders and Artois, he offers the most fervent wishes that the God of

[*Latin ed. p. 976*]

976 Acta Apostolicae Sedis. - Commentarium Officiale. May all goodness grant success to their endeavors, namely, to make Our Divine Savior reign in all things and in all people. - "Omnia in omnibus Christus." To this end, His Holiness, with great generosity, grants to Your Eminence, Most Illustrious and Reverend, as well as to his Venerable Colleagues and all members of the Congress, the Apostolic Blessing. For my part, I gladly seize this favorable opportunity to present to Your Eminence my most respectful homage of profound veneration, and, praying that she may convey to the Prelates and the faithful who participated in the Congress an expression of my best sympathies, I respectfully kiss your hands and remain, of Your Eminence, the very humble Servant, R. CARD. MERRY DEL VAL. Rome, December 3, 1910. DIARIUM ROMANAE CURIAE S. CONGREGAZIONE DEI RITI CONGREGAZIONE ANTIPREPARATORIA. On the 13th day of the current month of December, before the Most Eminent and Reverend Cardinal Girolamo Gotti, Promoter of the Cause, the Preliminary Congregation of the Sacred Rites took place, to discuss the doubts concerning the miracles of the Venerable Servant of God, Teresa Margaret Redi, a professed nun of the Order of Discalced Carmelites. SECRETARY OF STATE BY NOMINATION His Holiness, through a note from the Secretary of State, deigned to appoint: December 2, 1910. — The Reverend Father Maestro Agostino Zampini, of the Order of the Romiti of St. Augustine, Provincial for Tuscany, as his Sacristan and Parish Priest of the Most Holy Apostles.

[*Latin ed. p. 977*]

Diary of the Roman Curia. 977 His Holiness, with a letter and a Brief

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from the Secretariat of State, deigned to appoint: Domestic Prelates of His Holiness: October 24, 1910. — Reverend Raffaele Chimenti, Canon of Saint Mary in Trastevere and Ecclesiastical Chancellor of the Vicariate, of the diocese of Rome. November 5, 1910. — Reverend Giuseppe Maria Bueno de Rosa, Canon and Singer of the Metropolitan Church, of the diocese of Rio Ianeiro. November 10. — Reverend Giuseppe Scartata, Parish Priest of Vallalba, of the diocese of Caltanisetta. November 14. — Reverend Giovanni I. Aylward, of the diocese of London (Canada). November 17. — Reverend Alberto Palotta, Rector of the Seminary of the diocese of Rimini. November 25. — Monsignor Luigi Costante Prieur, General Vicar of the diocese of Meaux. November 26. — Reverend Alfredo Dumont, Dean of the Chapter of the same diocese. November 26. — Reverend Luigi Daelli, Director of the newspaper "L'Ordine," of the diocese of Como. November 26. — Reverend Giacomo T. Saunders, General Vicar of the diocese of Sioux City. HONORS His Holiness, with a letter and a Brief from the Secretariat of State, deigned to bestow the following honors: Order of the Golden Militia: November 8, 1910. — To His Excellency, Mr. Enrico Fitzalan-Howard, Duke of Norfolk. The Commanderate of the Order of Saint Gregory the Great, with plaque: November 16, 1910. — To Mr. Leonardo Jankowski, of Kijowiae. The plaque of the Order of Saint Gregory the Great: November 28, 1910. — To Mr. Clemente Reitmayer, of the archdiocese of Malines. The Commanderate with plaque of the Order of Saint Sylvester the Pope: November 22, 1910. — To Mr. Guglielmo de Meinel, Counselor at the Ministry of Foreign Affairs, of the archdiocese of Munich (Bavaria). The Commanderate of the Order of Saint Gregory the Great, civil class: November 3, 1910. — To Mr. Giacomo F. Me. Mullen, Magistrate and member of the Institute of Civil Engineers, of the diocese of Cork (Ireland). November 8. — To Mr. Count Ottocaro de Westphalen, of the diocese of Leitmeritz. November 21. — To Mr. Marcello Guillet, of the diocese of Paris. November 28. — To Mr. Guglielmo Marx, Counselor at the Supreme Court of Dusseldorf and Deputy to Parliament, of the archdiocese of Colonia.

[*Latin ed. p. 978*]

978 Acta Apostolicae Sedis. - Official Commentary. The Knighthood of the Order of St. Gregory the Great, civil class: November 21, 1910. – To Mr. Giuliano Lacour, of the archdiocese of Paris. November 22. – To Mr. Giuseppe Fornari, Advocate and Professor, of Rome. November 26. – To Mr. Giuseppe Gros, physician, of the diocese of Arras. – To Mr. Carlo Fichaux, of Oisy-le-Verger. November 30. – To Mr. Pietro Pedace, of Reggio Calabria. The Knighthood of the Order of St. Gregory the Great, military class: November 4, 1910. – To Mr. Marchese Lodovico Rigaud, Lieutenant of the regiment of the Pontifical Zouaves. The Knighthood of the Order of St. Sylvester the Pope: November 4, 1910. – To Mr. Federico van Soest, of the Pontifical Zouaves. November 14. – To Mr. Luigi Zaccaria, Counselor and

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Treasurer of the Charitable Institution of Economical Kitchens, of the diocese of Padua. November 22. – To Mr. Enrico Derix, of the archdiocese of Munich (Bavaria). November 23. – To Mr. Svetonio Petrocini, of the archdiocese of Pisa.

THE DOMESTIC OFFICE OF HIS HOLINESS: By the grace of our Lord, with a letter from His Excellency, Monsignor Maggiordomo, the Holy See has deigned to appoint:

Extraordinary Secret Chamberlains: November 11, 1910. – Mons. Carlo Mangold, of the archdiocese of Munich (Bavaria). November 18. – Mons. Paolo Albera, of the diocese of Bagnorea. November 30, 1910. – Mons. Arturo Filippo Jackman, of the archdiocese of Westminster.

Honorary Chamberlain in purple robes: November 11, 1910. – Mons. Bonaventura Bullich y Gasset, of the diocese of Barcelona.

Extraordinary Chamberlain with sword and cape: November 24, 1910. – Mr. Conte Carlo Olivieri di Vernier, of the diocese of Turin.

NECROLOGY: November 1910. – Mons. Ippolito Bazin, titular Bishop of Tacia and Apostolic Vicar of the Sahara (French Sudan). December 1910. – Mons. Filippo Allegro, Bishop of Albenga. – Mons. Angelo Balzano, titular Bishop of Sura.

[*Latin ed. p. 979*]

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[*Latin ed. p. 981*]

II. INDEX OF DOCUMENTS ARRANGED CHRONOLOGICALLY, YEAR, MONTH, DAY, ACTS OF POPE PIUS X. I. - APOSTOLIC CONSTITUTION. April 15, Apostolic. - Concerning the Suburbicarian Dioceses. . . . APPENDIX. May 13, Constitution "Roman Pontiffs" . . . . . II - ENCYCLICAL LETTERS. Often published. - Encyclical Letters, published to mark the three hundredth anniversary of the canonization of St. Charles Borromeo, April 10; May; June; September; December. - BY PAPAL ACT. With Apostolic authority. - Concerning the granting of indulgences by the Most Holy Congregation of the Holy Office, for examination. Concerning discipline. - The Association of the Sacred Heart of Jesus, affiliated with the Pious School, is confirmed, and the Pious Hall is granted to the Marian Sodality of Mercy. In the blessed name of St. Peter. - A Military Vicar is established in the army of the Republic of Chile. . . . From this. - Concerning the pious Union of St. Paul the Apostle. Concerning sacred solemnities. - Concerning the Indulgence of the "Porziuncola," expiring at the end of the seventh century from the founding of the Order of the Friars Minor. To be diligently guarded. - Concerning the renunciation of concepts expressed in oaths given by those who are doctors in Holy Scripture. . . . . To the Sacred Ministers. - By Papal Act, certain laws are established to repel the danger of modernism. Because of its particular. - Concerning the addition of an invocation in the Litanies of Loreto among the Franciscan families. . . . In the Roman Curia. - Concerning the use of new formulas in certain Bulls in the Apostolic Chancery. . . .

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- APOSTOLIC LETTERS.

From the Basilica of Lapurd.

To the chaplains of the Basilica of Lapurd, in the diocese of Tarbes, choral insignia are granted to the Sodality.

To the confraternity of the Virgin of Sion, established in the church of "Ecce Homo," for the purpose of converting Jews, the title and privileges of an archisodality are granted, with the faculty of aggregating members throughout the Roman territories.

The translation to the immediately preceding day of October, the twenty-eighth, of the feast of the Patrons for the parish of Seifersdorf, in the diocese of Leitmeritz.

To the General Ministers of the Order of Friars Minor: Dionysius Schuler, Dominicus Reuter, and Pacificus of Seiano, Our Predecessor.

All the faithful, holding in their hands a properly blessed rosary, can gain an indulgence of 5 days for each "Pater" and each "Gloria" recited in the recitation of the Rosary of the Precious Blood, in addition to those already granted to our beloved sons.

Indulgences and privileges for the altar of the Blessed Virgin Mary of Fraxino, in the diocese of Verona, are granted to the faithful sodalities.

To the Sodality of Mary Queen of Hearts, established in the city, certain indulgences are granted perpetually, along with the privilege, also perpetually, of a personal altar of privilege for the priest members.

The district of Pao-ting-fou is separated from the Apostolic Vicariate of Northern Ce-li, and a new Apostolic Vicariate, called Central Ce-li, is erected from it. This pertains to spiritual matters.

The diocese of Akre is separated from the Chaldean diocese of Amadia. This pertains to matters of faith.

A perpetual partial indulgence is granted to the faithful of the Philippine Islands who recite the prayer in honor of the Blessed Virgin Mary, Immaculate.

A sodality of prayer is established in the Abbey of Saint Maur of Clervaux, in the diocese of Luxembourg, for the purpose of converting the Scandinavians, with the faculty of enrolling members throughout the territories, and with the customary indulgences.

The following privileges are granted to the Order of Eremites of Saint Augustine.

[*Latin ed. p. 983*]

Chronologically arranged. YEAR MONTH DAY 1910 April 5 13 20 May 2 10 June 9 We received with joy. - To the Association of priests in honor

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of the Most Sacred Heart of Jesus, plenary and partial indulgences are granted perpetually. It pertains to Us. - The establishment of a Sodality under the title of the Mass of Reparation within the Archsodality for all of Switzerland, with the faculty of aggregation and with the communication of privileges. Among the most important. - To the Reverend Lady Mary Stiltz, General Moderator of the Society of the Daughters of Saint Francis de Sales, conspicuous temples. - The parish church of the town commonly called "Bonsecours," in the diocese of Tournay, is adorned with the title of Minor Basilica by the Roman Pontiffs. - The Society of the Blessed Virgin Mary, Help of Christians, and Queen of Peace, located at "Beauchène" in the diocese of SÃ©ez, is erected into an archiconfraternity. Beloved Son. - To the members of the Association for the Reparation of Priests, a plenary indulgence is granted. Pious and fruitful. - The Supreme Moderator for the Association for the Reparation of Priests is established. It is most fitting. - To the Superior for the time being of the Shrine of the Blessed Virgin of "Poupsis" in the diocese of Gerace, the title of Domestic Prelate is granted perpetually, for the glory of the Christian name. - The erection of the Apostolic Vicariate of Ce-Kiam occidental is under consideration. - Plenary and partial indulgences and privileges are granted perpetually to the Shrine of the Blessed Virgin of Solace, commonly called "delia Corona," in the diocese of Verona. For the benefit of the faithful. - The ancient indulgences of the pious Catholic women's Union of Missions, called the Fuldensi Union, are specifically confirmed, and new ones are added, with the faculty of aggregating associations everywhere perpetually. ... Works of Charity. - Plenary and partial indulgences are granted to the faithful who attend daily Masses at Lyons, celebrated for the poor deceased, by the pious union of the Cross, either in person or in spirit. Recently brought to our attention. - To the Reverend Father Patricius Fergo Mac Evay, Archbishop of Toronto: the Association for the spread of the Catholic Church in Toronto, established in the dominion of Canada, is praised and granted indulgences. Recently. - The Society for the spread of the Catholic faith in Chicago, in the United States of America, is praised.

[*Latin ed. p. 984*]

984 Index documentorum MENSE DIE Iunii 14. To the most illustrious Brethren of the Order of Preachers. – A new Dominican family is established in the City, and to it is granted perpetually the faculty of preserving [the sanctity of] the Most Holy [Sacrament] . . . . . 899 .16 Graces, which are. – On the occasion of the recurring centennial anniversary of the attainment of liberty, plenary and partial indulgences are granted to the faithful of the Republic of Mexico this year only. 569 21 To be reported to Us. – To priests inscribed in the recently established fourth section of the pious confraternity under the title of the Sorrowful Virgin, in the diocese of Milan, the privilege of Masses is granted. 571 1 Cathedral of Płock. – The

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cathedral of Płock is raised to the dignity of a minor basilica. . . . 572 6 It is fitting for Rome. – A perpetual Mass is instituted in all churches of France, with the addition of a plenary indulgence. 573 18 By native right. – The feast day of the heavenly patron of the town of "Armillas" in the archdiocese of Saragossa is transferred to another day. 633 19 It is most certain. – The confraternity of the Immaculate Conception in the city of Aquaviva, belonging to no diocese, is decorated with the title of Archconfraternity in honor of [the Immaculate Conception]. 634 21 It is most certain. – The Metropolitan Church of Lviv of the Latins is decorated with the title of minor basilica. 570 12 From this. – The erection of the new Apostolic Vicariate of Kientchang in China. 941 15 Of the Seraphic Order. – Concerning the right of precedence in processions and sacred functions in three Minorite families. 713 27 Archbishop of Manila. – The erection of the Society of the title of the Blessed Virgin of Lapurdia as an archconfraternity, in the church of the Friars Minor Capuchin, in Manila. 900 2 Of Fulda. – To the Most Reverend Cardinals George Kopp, Bishop of Breslau, Anthony Fischer, Archbishop of Cologne, and to the other Archbishops and Bishops of the Kingdom of Prussia, a meeting is held in Fulda. 704 Of Our Predecessors. – Confirmation of the innovations which have been introduced into the rules of the Institute of the Oblates of the Virgin Immaculate by decree of the Congregation of Regulars. 901 13 Incense. – The new Archdiocese of Simla (Simlam) in the Orient is erected. 851 In this highest [capacity]. – The new Apostolic Vicariate of "Kilima-Njaro" in East Africa is erected. . . . 27 For the increase of [devotion]. – A perpetual daily indulgence is granted for the sanctuary from the Holy Specus of Saint Benedict. 405 July, August, September, October. PAGE.

[*Latin ed. p. 985*]

Chronologically arranged. MONTH DAY Nov. 19, 985: The Apostolic Vicariate of Gibraltar is established, immediately subject to the Diocese. Appendix. Apr. 18: Apostolic Letters "Trans Oceanum" V. - LETTERS. Aug. Dec. 11 and 13, 17. Jan. 10, 24: Concerning Cologne. - To His Eminence, Cardinal Anthony Fischer, Archbishop of Cologne, regarding the Eucharistic Congress. We have gratefully received. - To Reverend Father Edward Pulciano, Archbishop of Genoa, concerning the recently held diocesan synod. It pleased you. - To Reverend Monsignor Marian, Bishop of Huesca, on the occasion of his fiftieth anniversary of ordination. It has been made known to Us. - To Reverend Monsignor Henry Garrigou, Superior General of the Sulpician Society. Catholics. - To Camillus Bataille, Advocate. - Concerning the "Diary of the Holy Land." - To Reverend Father Robert Razzoli, O.F.M., Custodian of the Holy Land, regarding the publication of the "Diary of the Holy Land." We share your joy. - To the Superiors of the house of Le Puy and other Religious women of the same Order, who are about to hold their secular celebrations. It has delighted Us. - To the

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Franciscan Tertiaries and Federated Sodalities of the City. - To Reverend Father William O'Connell, Archbishop of Boston, regarding his generosity towards the Pontifical Biblical Institute. We have learned with gratitude. - To His Eminence, Cardinal Anthony Joseph Gruscha, Archbishop of Vienna, concerning the growth of religion in Vienna. We thank you. - To Reverend Father James Della Chiesa, Archbishop of Bologna, concerning the vows offered to the Supreme Pontiff. We have read with pleasure. - To Reverend Father Vincent Franchescini, Bishop of Fano, concerning the theological seminary of Upper Picenum. Venerable Brother. - To Reverend Father Aloysius Salvatorelli, Archpriest and Canons of Perugia, concerning the gladly accepted delegation of the Apostolic Penitentiary. - To Reverend Monsignor Marian Anthony Espinosa, Archbishop of Buenos Aires, concerning the received contribution for the Petrine Fund. First of all, we give thanks. - To Reverend Father Paul Huyn, Bishop of Brünn, concerning the recently held diocesan synod.

[*Latin ed. p. 986*]

986 Index documentorum ANNO MENSE 1910 Ian. Febr. DIE Ex annalibus. - To the Reverend Doctor H. Oster, Director of the association "A Sancta Iesu Infantia" in Germany, regarding the collected sum in favor of the work "A Sancta Iesu Infantia" for the coming year. - To Doctor P. Calon, President, and other members of the supreme council of the pious Society of Saint Vincent de Paul, concerning the progress of the Society. 13 14 Which, from this perspective. - To Anthony, Cardinal Priest of the Most Holy Roman Church, Cardinal Fischer, Archbishop of Coloniensium, for the volume presented on matters pertaining to the Eucharistic Congress. Among men. - To the Reverend Doctor Joseph Ballerini, chosen among the prelates of the pontifical household, for the apologetic works offered to the Supreme Pontiff. 17 Which we have learned. - To the Reverend Father Agnellus Renzullo, Bishop of Nolanum, for having completed fifty years of priesthood. To the Reverend Father Francis Xavier Haberi, regarding the rhythm of Gregorian chant according to the Vatican edition. For the centennial celebrations. - To the Reverend Fathers and Doctors, Archbishops and Bishops of the Republic of Mexico, so that, on the occasion of the centennial celebrations of the Republic, they may strive to awaken the Christian spirit of the people. Which we grant. - To Gabriel Mariam, General Superior of the Brothers of the Christian Schools, for celebrating the fifth and seventieth anniversaries since the restoration of the houses, for the instruction of religious novices. At the close of the year. - To the Reverend Doctor Carolus Kanter and the Marchioness Ad elem Pallavicini, Presidents of the pious Society of the Altar, on the fiftieth anniversary of the founding of the Society. Which recently occurred. - To Peter, Cardinal Priest of the Most Holy Roman Church, Cardinal Coullié, Archbishop of Lugdunensem. We have learned. - To the Reverend Doctor Ioachimus Cantagalli, Bishop

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of Faventinorum, for having completed the fifth and twentieth year since assuming the See of Faventia, therefore, congratulations. It is indeed so. - To the Reverend Fathers, authors of the periodical entitled "La Civiltà cattolica," for the sixtieth anniversary of its publication. Which, from your writings. - To the Reverend Doctor Sebastianus Corradi, Canon, Prefect of the metropolitan church of Genuensis, for the centennial celebrations in honor of Saint Catherine. To the Reverend Father Ioannes Baptista Ressia, Bishop of Vicodunensem, for celebrating the three hundredth anniversary of the birth of Cardinal Ioannes Bonae.

[*Latin ed. p. 987*]

(Chronologically) arranged. YEAR MONTH DAY 1910 May 3 Paternal concern. - To the Most Reverend Father Ambrose Agius, titular Archbishop of Palmyrene, Apostolic Delegate for the Philippine Islands, concerning the restoration of the Josephian College in the city of Manila, to the members of the Society of Jesus. See what is to be done. - To the Most Reverend Father Valerius Laspro, Archbishop of Salerno, celebrating the fiftieth anniversary of his episcopal ministry, greetings. Not enough. - To Joseph, Most Reverend Cardinal of the Holy Roman Church, Father Francica-Nava, Archbishop of Catania, to Alexander, Most Reverend Cardinal of the Holy Roman Church, Lualdi, Archbishop of Palermo, and to the other Archbishops and Bishops of Sicily. Greetings. - To the Most Reverend Father John Baptist, Bishop of Jaca. Concerning this matter. - To the Most Reverend Father Alfred, titular Bishop of Archis, Apostolic Administrator of the Lucanian diocese. Regarding what we are bound to do. - To His Eminence, Most Reverend Cardinal Vincent Vannutelli, Bishop of Praeneste, elected to preside over the Marianopolitan Eucharistic Congress. 20 Letters from here. - To the Most Reverend Father Septimius Caracciolo di Torchiarolo, Bishop of Alife, celebrating the twenty-fifth anniversary of his priesthood, for the purpose of offering congratulations. 21 Very good. - To the Most Reverend Father Joseph Deruaz, Bishop of Lausanne and Geneva, completing the sixtieth anniversary of his priesthood, greetings. 23 Who is often saddened. - To the Most Reverend Father Alfred Williez, Bishop of Arras, for the purpose of offering congratulations on the twenty-fifth anniversary of his priesthood. Although for your modesty. - To the Most Reverend Father Guglielmus van de Ven, Bishop of 's-Hertogenbosch. Regarding your pastoral office. - To the Most Reverend Father James Radini-Tedeschi, Bishop of Bergamo, concerning the recently concluded diocesan synod. 24 Work in Bari. - To the Most Reverend Father Ferdinand de Croy, Apostolic Protonotary, concerning the publication of the booklet "Bulletin paroissial." 3 A common letter. - To our beloved Son, Most Reverend Cardinal of the Holy Roman Church, Father Ferrari, Archbishop of Milan. 6 Although also under our care. - To Your Eminence, Most Reverend Cardinal Ferrari, Archbishop of Milan, and to the other Bishops of the same ecclesiastical province, concerning the

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celebration of the memory of Saint Charles Borromeo. 987

[*Latin ed. p. 988*]

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"As for you." - To the Most Reverend Ignatius, Patriarch of Antioch of the Syrians, nothing more.

"To the Directors and Writers of the monthly publication 'Revue catholique des institutions et du droit,' for the purpose of commending and encouraging their efforts in defending religion, justice, and equity."

"These few." - To His Excellency Julius, Cardinal of the Holy Roman Church, Archbishop of Ferrara and Bishop of Comacchio, and to the other Archbishops and Bishops of the region of Flaminia, following the annual meeting held in Bologna.

"What has been signified." - To the Most Reverend John Volpi, Bishop of Arezzo, concerning the gathering held by his vicars in the outlying districts.

"Our charge." - His Holiness Pope Pius X, Letter to the Archbishops and Bishops of France.

"To you soon." - To the Most Reverend John Baptist Cazet, Bishop in the titular see of Sosusa, Apostolic Vicar of the central island of Madagascar, offering congratulations on the twenty-fifth anniversary of his episcopate.

"With most affectionate letters." - To His Excellency Peter, Cardinal of the Holy Roman Church, Archbishop of Lyons, offering congratulations on the anniversary of the day he received the diadem of the Most Holy Pontificate.

"How greatly." - To the Reverend Father John Lottini, O.P., offering congratulations on the three volumes he has written on Holy Theology.

"What you signified." - To the Most Reverend Alphonso Maria Andreoli, Bishop of Feretrano, concerning the solemnities for the restoration of the principal church of his diocese.

"What has been signified." - To the Most Reverend Raymond Villard, Bishop of Autun, concerning the tenth centenary of the founding of the Cluniac monastery.

"Although explored." - To the Most Reverend Eugene James Grellier, Bishop of the Valley of Vidonis, regarding adherence to the decree concerning the age at which children are admitted to their first Holy Communion.

"With sincere gratitude." - To the Prefect, Canons, Parish Priests, and other Priests of the cathedral church of Piacenza, for the expressions of veneration offered to the Most Blessed Father on the occasion of the diocesan Synod.

"Of benefits." - To the Most Reverend Thomas Pius Boggiani, O.P., Bishop of Atri, for the expressions of veneration offered to the Most Blessed Father on the occasion of the spiritual exercises of the clergy of his diocese.

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"Filled with piety." - To the Most Reverend John Vincent Tasso, Bishop of Augsburg Pretoria, for the expressions of devotion offered to His Holiness.

[*Latin ed. p. 989*]

Chronologically arranged. YEAR MONTH DAY 1910 September 11 12 15 October 10 13 November. It is certainly fitting. - To the Most Reverend Fathers and Lords, John Fidelem Battaglia, titular Archbishop of Cyzicus, Dean, Bishop of Helvetiae, and other Bishops of Helvetia, concerning the Lucanian gathering. . . With diligence. - To the Most Reverend Mr. Aristide S. R. E., Cardinal Cavallari, Presbyter, Patriarch of Venice, concerning the spiritual exercises undertaken. Your work. - To the Illustrious Mr. Gaspare Decurtins, a doctor of the curia at the Catholic University of Friburg, for the work "on literary Modernism," reverently offered to the Most Blessed Father, for the purpose of congratulations. The Nuncio barely arrived. - To the Most Reverend Father Bernard Herrera Restrepo, Archbishop of BogotÃ¡, having completed twenty-five years of his episcopate. Recently. - To the Most Reverend Father Guidon M. Conforti, Archbishop of Parma, for the acts of piety exhibited to the Most Blessed Father in two letters. Common letters. - To Gregory M. Card. Aguirre y Garcia, Archbishop of Toletanum, to Joseph M. Card. Martin de Herrera y de Iglesia, Archbishop of Compostela, and to other Archbishops and Bishops of Hispaniae, for the letters full of piety exhibited to the Most Blessed Father. With all due praise. - To the Most Reverend Father Thomas Fennelly, Archbishop of Cashel, administrator of Emly, and to other Bishops of Hibernia, for the acts of veneration and piety exhibited to the Most Blessed Father, as a comfort. VI. 12 - SERMON. From Our Most Holy Father Pius X, to the Franciscan Fathers, a response given in an audience on the fourth of the Ides of September. II. - ACTS OF THE SACRED CONGREGATIONS I. 1909 December 9, 1910 February 17, March 2, June 17, July 13. - SACRED CONGREGATION OF THE HOLY OFFICE. Indult for the Tertiary and Confraters of the Order of the Most Holy Redeemer of Our Lady of Mercy. Granting of an indulgence for those who recite the verses and the prayer in honor of Saint Raphael the Archangel. Decree concerning the doctrine of renewal, which they call "eschatological." Doubts concerning the interpretation of the Motu Proprio "Cum per Apostolicas," of April 7, 1910. Doubts concerning the interpretation of the Motu Proprio "Cum per Apostolicas," of April 7, 1910. 989.

[*Latin ed. p. 990*]

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Decree regarding the admission of Polish priests into the diocesan clergy of the United States of America.

Decree of the Sacred Consistory Congregation, November 14, 1903, concerning clerics traveling to America and the Philippine Islands.

Decree of the Sacred Consistory Congregation, July 20, 1898, concerning the excardination of clerics from their own diocese and incardination in another, and concerning their ordination.

Decree of the Sacred Consistory Congregation, November 24, 1906, concerning the excardination and incardination of clerics, and their subsequent ordination.

Decree of the Sacred Consistory Congregation, December 22, 1905, concerning students of seminaries who, having been dismissed from the seminary, seek admission to another.

Decree concerning diocesan relations and the visitation of the Holy See.

Regulations to be observed in the report concerning the state of the churches.

Concerning the competence regarding mixed marriages.

Concerning the report to be presented to the Holy See by students of the Josephinian College.

Concerning the Island of Saint Honorat.

Concerning the competence to grant the faculty of celebrating three Masses of the Nativity of Our Lord in public places and churches.

Concerning the competence to grant the faculty of acquiring property by religious Orders or Congregations.

ROME.

Concerning the Society of African Missionaries.

Decree concerning the secrecy to be observed in the appointment of bishops in the United States of America.

Concerning the alteration of diocesan boundaries.

Concerning the competence regarding the taxes of episcopal curias.

New regulation of the Apostolic Chancery concerning the subscription of Apostolic Constitutions.

Concerning the privilege granted to Bishops of wearing a violet biretta.

Decree concerning the secrecy to be observed in the appointment of bishops.

Concerning the method to be followed in providing for episcopal sees in the ecclesiastical province of Newfoundland.

Addition of a title to the Archbishop of Acheron.

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Decree concerning the administrative removal from office and benefice of a curate.

Declarations concerning the "Motu Proprio" [Sacrorum Antistitum].

[*Latin ed. p. 991*]

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Decree concerning alms collected in favor of the work called "Terra Sancta."

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Declaration and extension of the decree "Quum Minoris" of June 15, 1909.

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Concerning Abbesses and other permanent Prefects outside of Italy.

Concerning the publication of decrees of this Sacred Congregation.

Decree concerning certain works to be undertaken in the novitiate.

Decree concerning priests accompanying the president of the chapter in the election of the prioress.

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Decree concerning the determination of the boundaries between the Apostolic Prefecture of Uelle and the Apostolic Vicariate of Central Africa.

Erection of the new Apostolic Prefecture of Katanga.

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Nominations of Bishops.

VII. SACRED CONGREGATION FOR THE INDEX.

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Decree by which certain books are prohibited.

VIII. SACRED CONGREGATION FOR RITES.

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[*Latin ed. p. 993*]

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BRUNEN. Doubts concerning the consecration of a church and altar.

MANTUA. Concerning the blessing of only a portion of the Sacred Oils.

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CONGREGATION OF THE AUSTRIAN RITUAL. Concerning the use of [something unspecified], in ROMA.

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PARENTIN, and POLEN. Concerning the ancient cult rendered to the Servant of God, Julian Cesarello of the Valley, a professed priest of the Order of the Minor Friars, now called saint and blessed.

MELITE. Concerning the beatification and canonization of the Venerable Servant of God, Adelaide Cini, foundress of the hospice of the Sacred Heart of Jesus in Melite, CHINA.

Concerning the canonization of the Blessed John of Triora, a martyr, a professed priest of the Order of the Minor Friars.

AURELIANEN. Concerning the canonization of the Blessed Joan of Arc, a virgin, a young woman of Orleans.

A warning from the editors of liturgical books.

ORDER OF THE MINOR FRATIARS, or the CUSTODY OF THE HOLY LAND. To the Sanctuary of Gethsemane in the Holy Land, permission is granted for a votive Mass of the Assumption of the Blessed Virgin Mary.

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20 To the Very Reverend Paul Féron-Vrau, in recognition of the presentation to His Holiness of the first issue of the new publication "L'Eucharistie"

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The provided text does not contain any instances of the Scripture quotations Prov 25:2 or 1Chr 2:51. Therefore, no changes are required.

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